

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

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

**Call to Order:** Chair David Howard, on March 25, 2019 at 3:00 PM, in Room 317 Capitol

#### ROLL CALL

**Members Present:**

Sen. David Howard, Chair (R)  
Sen. Jen Gross, Vice Chair (D)  
Sen. Cary Smith, Vice Chair (R)  
Sen. Steve Hinebauch (R)  
Sen. Bob Keenan (R)  
Sen. Sue Malek (D)  
Sen. Mary McNally (D)  
Sen. Albert Olszewski (R)  
Sen. Diane Sands (D)  
Sen. Jason D. Small (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julie Emge, Committee Secretary  
Corina Hach, 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 345, 3/20/2019; HB 596, 3/15/2019; HB 604, 3/15/2019

Executive Action: HB 231 - BE CONCURRED IN AS AMENDED  
HB 434 - TABLED  
HB 471 - TABLED  
HB 502 - BE CONCURRED IN AS AMENDED  
HB 542 - TABLED  
HB 544 - TABLED  
HB 545 - TABLED  
HB 560 - TABLED  
HB 604 - BE CONCURRED IN

**HEARING ON SB 345**

**Opening Statement by Sponsor:**

15:04:31 Sen. Edith (Edie) McClafferty (D), SD 38, opened the hearing on SB 345,  
Require licensure of organized youth camps.

**EXHIBIT(phs61a01)**

**Proponents' Testimony:**

15:10:10 Phillip Borup, CEO, Butte Family YMCA; chair, Montana State Alliance of  
YMCAs

15:13:55 Candace Payne, Montana State Alliance of YMCAs

**Opponents' Testimony:**

**Informational Testimony:**

15:15:06 Carter Anderson, administrator, Quality Assurance Division, Department of  
Public Health and Human Services (DPHHS)

15:15:27 Jim Murphy, chief, Communicable Disease Bureau, Department of Public Health  
and Human Services (DPHHS)

15:15:58 Heather Knight, Montana Criminal Records and Identification Services Section,  
Department of Justice (DOJ)

**Questions from Committee Members and Responses:**

15:16:30 Sen. Smith

15:18:23 Sen. McClafferty

15:18:42 Sen. Gross

15:19:07 Sen. McClafferty

15:19:18 Sen. Gross

15:19:45 Sen. Olszewski

15:19:53 Cori Hach, staff attorney, Legislative Services Division

15:20:05 Sen. Sands

15:20:53 Mr. Anderson, DPHHS

15:20:59 Sen. Sands

15:21:20 Mr. Murphy, DPHHS

15:22:19 Sen. Sands

15:22:44 Ms. Knight, DOJ

15:23:17 Sen. Malek

15:24:05 Sen. McClafferty

15:24:27 Sen. Malek

15:25:03 Mr. Borup, YMCA

15:25:51 Sen. Gross

15:26:49 Mr. Anderson

15:27:01 Chair Howard

15:27:23 Sen. McClafferty

**Closing by Sponsor:**

15:28:07 Sen. McClafferty

**HEARING ON HB 596****Opening Statement by Sponsor:**

15:28:43 Rep. Gordon Pierson (D), HD 78, opened the hearing on HB 596, Revise requirements related to release of patient immunization information.

**Proponents' Testimony:**

15:29:23 Brad Griffin, president, Montana Retail Association  
15:29:44 Heather O'Hara, RN, vice president, Montana Hospital Association  
15:30:27 Stacey Anderson, Montana Primary Care Association; also speaking on behalf of Jean Branscum, CEO, Montana Medical Association

**Opponents' Testimony:**

15:31:29 Nancy Tanner, private citizen, Bozeman  
15:32:13 Carol Fisher, private citizen, Great Falls

**Informational Testimony:**

15:35:08 Jim Murphy, chief, Communicable Disease Bureau, Department of Public Health and Human Services (DPHHS)  
15:35:31 Sarah Carlson, performance auditor, Legislative Audit Division

**EXHIBIT(phs61a02)**

15:38:59 Chair Howard  
15:39:08 Sen. Hinebauch  
15:39:13 Chair Howard

**Questions from Committee Members and Responses:**

15:39:26 Sen. Gross  
15:39:47 Mr. Murphy, DPHHS  
15:40:38 Sen. Olszewski  
15:43:51 Mr. Murphy  
15:44:45 Sen. Olszewski  
15:44:51 Sen. Malek  
15:48:48 Mr. Murphy

**Closing by Sponsor:**

15:49:40 Rep. Pierson

**Committee Business:**

15:51:43 Chair Howard  
15:53:14 Sen. Gross  
15:53:25 Sen. Sands  
15:53:32 Chair Howard  
15:54:05 Sen. Smith  
15:54:08 Chair Howard

**EXECUTIVE ACTION ON HB 231**

15:54:34 **Motion:** Sen. C. Smith moved that **HB 231 BE CONCURRED IN.**

15:55:36 **Motion:** Sen. Olszewski moved that **HB 231 BE AMENDED.**

[EXHIBIT\(phs61a03\)](#)

[EXHIBIT\(phs61a04\)](#)

**Discussion:**

15:55:47 Sen. Olszewski

15:56:56 Sen. Gross

15:57:12 Sen. Olszewski

15:57:50 Sen. Sands

15:58:11 Sen. Olszewski

15:58:45 Sen. McNally

15:59:13 Sen. Olszewski

16:00:00 Sen. Sands

16:00:42 Sen. Olszewski

16:01:26 **Vote:** Motion carried unanimously by voice vote.

16:01:32 **Motion:** Sen. C. Smith moved that **HB 231 BE CONCURRED IN AS AMENDED.**

**Discussion:**

16:01:42 Sen. Sands

16:02:05 Sen. Olszewski

16:02:52 **Vote:** Motion carried 8-2 by voice vote with Sen. McNally and Sen. C. Smith voting no. Sen. Olszewski will carry the bill.

**EXECUTIVE ACTION ON HB 434**

16:03:40 **Motion:** Sen. C. Smith moved that **HB 434 BE CONCURRED IN.**

**Discussion:**

16:04:01 Chair Howard

16:04:09 Cori Hach, staff attorney, Legislative Services Division (LSD)

16:04:25 Sen. Sands

16:04:31 Chair Howard

16:04:59 Sen. McNally

16:05:02 Chair Howard

16:05:07 Sen. McNally

16:05:12 Sen. Sands

16:05:16 Chair Howard

16:05:34 Ms. Hach, LSD

16:05:51 Sen. Sands

16:06:02 Chair Howard

16:06:20 Sen. Olszewski

16:06:43 **Motion:** Sen. Olszewski moved that **HB 434 BE AMENDED.**

**Discussion:**

16:07:10 Sen. Olszewski

16:07:39 Sen. Sands

16:08:06 **Vote:** Motion carried 9-1 by voice vote with Sen. Gross voting no.

16:08:22 **Motion:** Sen. C. Smith moved that **HB 434 BE CONCURRED IN AS AMENDED.**

**Discussion:**

16:08:43 Sen. Sands  
16:09:34 Chair Howard  
16:09:38 Sen. McNally  
16:09:56 Sen. Smith  
16:10:30 Sen. Sands  
16:11:09 Sen. Gross

16:12:12 **Vote:** Motion failed 4-6 by roll call vote with Sen. Malek, Sen. McNally, Sen. Olszewski and Sen. Sands voting aye.

16:12:48 **Motion:** Sen. Sands moved that **HB 434 BE TABLED AND THE VOTE REVERSED.** (executive action continued at 16:18:09)

**Discussion:**

16:12:53 Chair Howard

**EXECUTIVE ACTION ON HB 471**

16:13:14 **Motion:** Sen. C. Smith moved that **HB 471 BE CONCURRED IN.**

**Discussion:**

16:13:29 Sen. Smith  
16:13:43 Chair Howard  
16:13:51 Sen. Gross  
16:14:06 Chair Howard  
16:14:15 Sen. Olszewski  
16:14:54 Chair Howard  
16:15:08 Sen. Sands  
16:15:34 Chair Howard  
16:15:37 Sen. Olszewski  
16:16:14 Chair Howard

16:16:22 **Vote:** Motion failed unanimously by voice vote. (executive action continued at 16:27:33)

**EXECUTIVE ACTION ON HB 502**

16:16:42 **Motion:** Sen. C. Smith moved that **HB 502 BE CONCURRED IN.**

**Discussion:**

16:17:13 Sen. McNally (executive action continued at 16:18:24)

**EXECUTIVE ACTION ON HB 434 (CONTINUED)**

16:18:09 **Motion/Vote:** Sen. C. Smith moved that **HB 434 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 502 (CONTINUED)**

16:18:24 Chair Howard

16:18:45 **Motion:** Sen. C. Smith moved that **HB 502 BE AMENDED**.  
**EXHIBIT(phs61a05)**

**Discussion:**

16:19:00 Sen. Sands

16:19:10 Chair Howard

16:19:34 Sen. Sands

16:20:00 Chair Howard

16:20:45 Sen. Sands

16:20:50 Cori Hach, staff attorney, Legislative Services Division (LSD)

16:22:13 Sen. Olszewski

16:22:28 Sen. Hinebauch

16:22:37 Sen. Sands

16:23:26 Chair Howard

16:23:28 Ms. Hach, LSD

16:23:31 Sen. Malek

16:24:20 **Vote:** Motion carried 7-3 by roll call vote with Sen. Malek, Sen. McNally and Sen. Sands voting no.

16:24:52 **Motion:** Sen. C. Smith moved that **HB 502 BE CONCURRED IN AS AMENDED**.

**Discussion:**

16:24:58 Sen. Sands

16:25:30 Ms. Hach

16:25:32 Sen. Sands

16:25:43 Chair Howard

16:26:00 Sen. Sands

16:26:33 Chair Howard

16:27:06 Sen. Gross

16:27:22 **Vote:** Motion carried unanimously by voice vote. Sen. Gross will carry the bill.

**EXECUTIVE ACTION ON HB 471 (CONTINUED)**

16:27:33 Chair Howard

16:28:04 **Motion/Vote:** Sen. Howard moved that **HB 471 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 542**

16:28:32 **Motion:** Sen. C. Smith moved that **HB 542 BE CONCURRED IN.**

**Discussion:**

16:29:03 Sen. Malek

16:29:31 Sen. Sands

16:30:20 **Vote:** Motion failed 5-5 by roll call vote with Sen. Gross, Sen. Malek, Sen. McNally, Sen. Sands and Sen. Small voting aye.

16:31:04 **Motion/Vote:** Sen. Howard moved that **HB 542 BE TABLED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 544**

16:31:26 **Motion:** Sen. C. Smith moved that **HB 544 BE CONCURRED IN.**

**Discussion:**

16:31:44 Sen. Gross

16:31:57 Chair Howard

16:32:15 Sen. Sands

16:32:31 Chair Howard

16:32:34 Sen. Smith

16:32:53 Sen. Olszewski

16:33:20 **Vote:** Motion failed unanimously by voice vote.

16:33:31 **Motion/Vote:** Sen. Howard moved that **HB 544 BE TABLED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 545**

16:33:43 **Motion:** Sen. C. Smith moved that **HB 545 BE CONCURRED IN.**

**Discussion:**

16:34:14 Sen. Gross

16:34:54 Sen. Olszewski

16:36:14 Sen. Gross

16:36:49 Sen. McNally

16:37:24 Sen. Sands

16:40:02 Chair Howard

16:40:08 Sen. Sands

16:40:42 Sen. Olszewski

16:42:05 **Vote:** Motion failed 5-5 by roll call vote with Sen. Gross, Sen. Malek, Sen. McNally, Sen. Sands and Sen. Small voting aye.

**Discussion:**

16:42:51 Sen. Malek

16:44:00 **Motion/Vote:** Sen. Howard moved that **HB 545 BE TABLED**. Motion carried 9-1 by voice vote with Sen. Malek voting no.

**EXECUTIVE ACTION ON HB 560**

16:44:10 **Motion:** Sen. C. Smith moved that **HB 560 BE CONCURRED IN**.

**Discussion:**

16:44:33 Sen. Sands

16:45:00 **Vote:** Motion failed 5-5 by roll call vote with Sen. Gross, Sen. Malek, Sen. McNally, Sen. Olszewski and Sen. Sands voting aye.

16:45:40 **Motion/Vote:** Sen. Howard moved that **HB 560 BE TABLED**. Motion carried 9-1 by voice vote with Sen. Gross voting no.

**HEARING ON HB 604**

**Opening Statement by Sponsor:**

16:46:40 Rep. Jessica Karjala (D), HD 48, opened the hearing on HB 604, Direct DPHHS to develop a strategic plan for prevention programs.

**Proponents' Testimony:**

16:50:05 Denise Johnson, former foster mom; board member, Montana Child Protection Alliance  
 16:56:41 Susan Carlson, private citizen  
 17:00:41 Cindy Cronce, private citizen  
 17:03:41 Raye Newmeyer, private citizen  
 17:04:52 John Walton, private citizen  
 17:05:53 Sen. Sands  
 17:06:11 Chair Howard  
 17:06:13 Mr. Walton  
 17:07:12 Chair Howard  
 17:07:22 Mr. Walton  
 17:07:37 Chair Howard  
 17:07:43 Mr. Walton  
 17:08:38 Terry Hinderer, private citizen, Culbertson  
 17:10:09 Lindsey Hoyt, private citizen  
 17:11:05 Debbie Westlake, private citizen  
 17:11:43 Mark Anderlik, Montana Public Health and Social Services Coalition

**Opponents' Testimony:** None

**Informational Testimony:**

17:12:40 Laura Smith, deputy director, Economic Services Branch manager, Department of Public Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

17:13:02 Sen. Keenan  
 17:14:45 Ms. Smith, DPHHS

17:17:04 Sen. Keenan  
 17:19:12 Ms. Smith  
 17:19:23 Rep. Karjala  
 17:20:32 Sen. Keenan  
 17:20:39 Rep. Karjala  
 17:20:43 Sen. Keenan  
 17:20:50 Chair Howard  
 17:20:56 Sen. Keenan  
 17:21:20 Ms. Smith  
 17:21:43 Sen. Sands  
 17:21:51 Ms. Smith

**Closing by Sponsor:**

17:22:19 Rep. Karjala

**EXECUTIVE ACTION ON HB 604**

17:25:58 **Motion:** Sen. C. Smith moved that **HB 604 BE CONCURRED IN.**

17:26:48 **Motion:** Sen. C. Smith moved that **HB 604 BE AMENDED.**

**EXHIBIT(phs61a06)**

**Discussion:**

17:27:11 Sen. Sands  
 17:27:28 Cori Hach, staff attorney, Legislative Services Division  
 17:27:34 Chair Howard  
 17:27:42 Sen. Malek  
 17:28:00 Chair Howard  
 17:28:05 Rep. Jessica Karjala, HD 48  
 17:28:34 Chair Howard  
 17:28:42 Sen. Keenan  
 17:29:09 Sen. Sands  
 17:30:03 Laura Smith, deputy director, Economic Services Branch manager, Department of Public Health and Human Services (DPHHS)  
 17:30:26 Sen. Olszewski  
 17:30:50 Ms. Smith, DPHHS  
 17:30:51 Sen. Sands  
 17:31:07 Ms. Smith  
 17:31:25 Sen. Sands  
 17:31:34 Ms. Smith  
 17:31:37 Sen. Sands  
 17:31:47 Ms. Smith  
 17:31:50 Sen. Sands  
 17:31:55 Chair Howard

17:32:02 Without objection, Sen. C. Smith withdrew the BE AMENDED motion.

17:32:08 **Motion/Vote:** Sen. C. Smith moved that **HB 604 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. Sands will carry the bill.

**Discussion:**

17:32:30 Sen. Sands  
17:33:04 Chair Howard

**Committee Business:**

17:33:13 Chair Howard

**ADJOURNMENT**

Adjournment: 5:34 PM

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Julie Emge, Secretary

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Additional Documents:

**EXHIBIT([phs61aad.pdf](#))**