

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: Chair David Howard, on April 1, 2019 at 3:25 PM, in Room 317 Capitol

ROLL CALL

Members Present:

Sen. David Howard, Chair (R)
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: Sen. Jen Gross, Vice Chair (D)

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: HB 598, 3/20/2019

Executive Action: HB 363 - TABLED
HB 583 - BE CONCURRED IN
HB 589 - TABLED
HB 596 - TABLED
HB 599 - BE CONCURRED IN AS AMENDED

HEARING ON HB 598

Opening Statement by Sponsor:

15:25:00 Rep. Mike Hopkins (R), HD 92, opened the hearing on HB 598, Revising licensing and oversight entity for medical marijuana testing labs.

Proponents' Testimony:

15:27:54 Dr. Keith Erwin, owner, Fidelity Diagnostics Laboratory
15:29:40 Alex Gray, SD Consultants
15:30:49 Erica Johnston, Operations Services Branch manager, Department of Public Health and Human Services (DPHHS)
15:31:39 Kate Cholewa, Montana Cannabis Information Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

15:32:24 Sen. Olszewski
15:32:41 Ms. Johnston, DPHHS
15:33:45 Sen. Sands
15:34:02 Ms. Johnston
15:34:30 Sen. Sands
15:34:43 Ms. Johnston

Closing by Sponsor:

15:34:59 Rep. Hopkins

Committee Business:

15:36:38 Chair Howard
15:37:26 Brief Recess
15:39:52 Sen. Malek entered the hearing.
16:04:07 Reconvened

EXECUTIVE ACTION ON HB 363

16:04:24 **Motion:** Sen. C. Smith moved that **HB 363 BE CONCURRED IN.**

Discussion:

16:04:46 Cori Hach, staff attorney, Legislative Services Division
16:04:53 Sen. Smith
16:05:23 Sen. Malek
16:06:05 **Vote:** Motion failed 5-5 by roll call vote with Sen. Gross, Sen. Malek, Sen. McNally, Sen. Olszewski and Sen. Sands voting aye. Sen. Gross voted by proxy.

16:06:48 **Motion/Vote:** Sen. Howard moved that **HB 363 BE TABLED**. Motion carried 9-0 by voice vote. Sen. Gross was excused.

EXECUTIVE ACTION ON HB 583

16:07:14 **Motion:** Sen. C. Smith moved that **HB 583 BE CONCURRED IN**.

Discussion:

16:07:30 Sen. McNally

16:07:50 Sen. Sands

16:08:56 **Vote:** Motion carried 9-0 by voice vote. Sen. Gross was excused. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 589

16:09:31 **Motion:** Sen. C. Smith moved that **HB 589 BE CONCURRED IN**.

Discussion:

16:09:48 Chair Howard

16:10:24 **Motion:** Sen. C. Smith moved that **HB 589 BE AMENDED**.

EXHIBIT(phs67a01)

Discussion:

16:10:45 Cori Hach, staff attorney, Legislative Services Division

16:11:12 **Vote:** Motion carried 9-0 by voice vote. Sen. Gross was excused.

16:11:23 **Motion:** Sen. C. Smith moved that **HB 589 BE CONCURRED IN AS AMENDED**.

Discussion:

16:11:33 Sen. Sands

16:12:48 **Vote:** Motion failed 4-6 by roll call vote with Sen. Gross, Sen. Malek, Sen. McNally and Sen. Sands voting aye. Sen. Gross voted by proxy.

16:13:40 **Motion/Vote:** Sen. Olszewski moved that **HB 589 BE TABLED**. Motion carried 9-0 by voice vote. Sen. Gross was excused.

EXECUTIVE ACTION ON HB 596

16:13:53 **Motion:** Sen. C. Smith moved that **HB 596 BE CONCURRED IN**.

Discussion:

16:14:21 Sen. Olszewski

16:15:02 Sen. Malek

16:16:26 **Vote:** Motion failed 4-6 by roll call vote with Sen. Gross, Sen. Malek, Sen. McNally and Sen. Sands voting aye. Sen. Gross voted by proxy.

16:17:10 **Motion/Vote:** Sen. Howard moved that **HB 596 BE TABLED**. Motion carried 8-1 by voice vote with Sen. Malek voting no. Sen. Gross was excused.

EXECUTIVE ACTION ON HB 599

16:17:31 **Motion:** Sen. C. Smith moved that **HB 599 BE CONCURRED IN**.

16:17:39 **Motion/Vote:** Sen. Hinebauch moved that **HB 599 BE TABLED**. Motion failed 5-5 by roll call vote with Sen. Hinebauch, Sen. Howard, Sen. Keenan, Sen. Olszewski and Sen. C. Smith voting aye. Sen. Gross voted by proxy.

Discussion:

16:18:25 Chair Howard
 16:18:29 Sen. Sands
 16:18:32 Chair Howard
 16:19:03 Sen. Sands
 16:21:48 Chair Howard
 16:23:12 Sen. Malek
 16:23:16 Chair Howard
 16:23:36 Sen. Smith
 16:24:15 Sen. Malek
 16:24:18 Sen. Smith
 16:25:35 Sen. Malek
 16:26:15 Chair Howard
 16:26:20 Sen. Malek
 16:28:16 Sen. Small
 16:30:59 Sen. Sands
 16:31:41 Chair Howard

16:31:48 **Motion:** Sen. Sands moved that **HB 599 BE AMENDED**.

[**EXHIBIT\(phs67a02\)**](#)

Discussion:

16:32:37 Sen. Malek
 16:32:59 Sen. Sands

16:33:35 **Vote:** Motion carried 7-3 by roll call vote with Sen. Hinebauch, Sen. Howard and Sen. C. Smith voting no. Sen. Gross voted by proxy.

16:34:25 **Motion:** Sen. Olszewski moved that **HB 599 BE AMENDED**.

[**EXHIBIT\(phs67a03\)**](#)

Discussion:

16:34:36 Sen. Olszewski

16:35:47 **Vote:** Motion carried 9-1 by roll call vote with Sen. Malek voting no. Sen. Gross voted by proxy.

16:36:22 **Motion:** Sen. Olszewski moved that **HB 599 BE AMENDED.**
EXHIBIT(phs67a04)

Discussion:

16:36:36 Sen. Olszewski
16:38:17 Sen. Sands
16:40:00 Sen. Malek

16:41:26 **Vote:** Motion carried 9-1 by voice vote with Sen. Malek voting no. Sen. Gross voted by proxy.

16:41:44 **Motion:** Sen. C. Smith moved that **HB 599 BE AMENDED.**
EXHIBIT(phs67a05)

Discussion:

16:41:54 Sen. Smith
16:42:08 Sen. Sands
16:42:12 Chair Howard
16:42:20 Sen. Olszewski
16:44:17 Sen. Malek
16:45:48 Sen. Olszewski

16:46:50 **Vote:** Motion carried 6-4 by roll call vote with Sen. Gross, Sen. Malek, Sen. McNally and Sen. Sands voting no. Sen. Gross voted by proxy.

16:47:32 **Motion:** Sen. C. Smith moved that **HB 599 BE CONCURRED IN AS AMENDED.**

Discussion:

16:47:44 Sen. Keenan
16:49:01 Sen. Olszewski
16:49:34 Sen. McNally
16:53:09 Sen. Malek

16:55:12 **Vote:** Motion carried 6-4 by roll call vote with Sen. Hinebauch, Sen. Howard, Sen. Keenan and Sen. C. Smith voting no. Sen. Gross voted by proxy. Sen. Small will carry the bill.

Discussion:

16:55:52 Sen. Sands
16:56:16 Chair Howard
16:56:17 Sen. Sands
16:56:19 Chair Howard

ADJOURNMENT

Adjournment: 4:56 PM

Julie Emge, Secretary

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Additional Documents:

EXHIBIT([phs67aad.pdf](#))