

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HUMAN SERVICES**

**Call to Order:** By **CHAIRMAN ARLENE BECKER**, on February 19, 2005  
at 12:00 P.M., in Room 472 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Arlene Becker, Chairman (D)  
Rep. Tom Facey, Vice Chairman (D)  
Rep. Don Roberts, Vice Chairman (R)  
Rep. Mary Caferro (D)  
Rep. Emelie Eaton (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Teresa K. Henry (D)  
Rep. William J. Jones (R)  
Rep. Dave McAlpin (D)  
Rep. Mike Milburn (R)  
Rep. Art Noonan (D)  
Rep. Pat Wagman (R)  
Rep. Bill Warden (R)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** Rep. Ron Stoker (R)  
Rep. Tom McGillvray (R)

**Members Absent:** None.

**Staff Present:** Susan Fox, Legislative Branch  
Mary Gay Wells, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted:  
Executive Action: HB 738, Do Pass  
HB 665, Tabled  
HB 682, Tabled

**EXECUTIVE ACTION ON HB 665**

**Motion:** REP. FACEY moved that HB 665 DO PASS.

**Discussion:**

REP. TERESA HENRY declared the fiscal note should be accurate, and the Department of Environmental Quality would be in charge. She did have amendments that she would propose later.

REP. DAVE MCALPIN said that the bill was a reasonable proposal. Other states have broken the ground to regulate mercury.

**Motion:** REP. HENRY moved that HB 665 BE AMENDED (066501.asb).  
[EXHIBIT](#)(huh41a01)

**Discussion:**

REP. HENRY explained her amendment which addressed dentists and their practices.

**Vote:** Motion carried 15-1 by voice vote with REP. STOKER voting no by proxy.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 9.1. REP. NOONAN left the hearing.}*

**Motion:** REP. HENRY moved that HB 665 BE AMENDED (066501.adn).  
[EXHIBIT](#)(huh41a02)

**Discussion:**

REP. HENRY explained her amendment which addressed the Department of Environmental Quality.

REP. WILLIAM JONES spoke against the amendment.

**Vote:** Motion failed 5-11 by roll call vote. REP. FACEY, REP. HENRY, REP. MCALPIN, REP. NOONAN AND REP. BECKER voted aye. REP. NOONAN, REP. MCGILLVRAY and REP. STOKER voted by proxy.

*{REP. NOONAN returned to the hearing and REP. CAFERRO left the hearing.}*

**Motion:** REP. HENRY moved that HB 665 BE AMENDED (066502.asb).  
[EXHIBIT](#)(huh41a03)

Discussion:

Susan Fox, Legislative Staffer, explained the amendments.

Motion/Vote: REP. WAGMAN made a substitute motion that HB 665 BE TABLED. Motion carried 9-7 by roll call vote with REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENRY, REP. MCALPIN, REP. NOONAN, and REP. WINDY BOY voting no. REP. CAFERRO, REP. STOKER AND REP. MCGILLVRAY voted by proxy.

*{Tape: 1; Side: A; Approx. Time Counter: 6.4 - 22.5}*

*{REP. CAFERRO returned to the hearing.}*

EXECUTIVE ACTION ON HB 682

Motion: REP. FACEY moved that HB 682 DO PASS.

Discussion:

REP. DAVE MCALPIN informed the committee that an opponent to HB 682 identified himself as being a member of the Social Worker Board. He was actually a member of his own board.

Motion/Vote: REP. MILBURN made a substitute motion that HB 682 BE TABLED. Motion carried 11-5 by roll call vote with REP. BECKER, REP. HENRY, REP. MCALPIN, REP. NOONAN, and REP. WINDY BOY voting no. REP. STOKER and REP. MCGILLVRAY voted by proxy.

EXECUTIVE ACTION ON HB 738

Motion: REP. FACEY moved that HB 738 DO PASS.

Discussion:

CHAIRMAN ARLENE BECKER declared that the Department of Public Health and Human Services has hundreds of employees and hundreds of occupations. This bill is needed so they can figure out a more equitable system for all concerned.

REP. FACEY said that he was in favor of the bill for many reasons.

REP. MILBURN inquired about a fiscal note. The new fiscal note was passed out. He had a problem with contract providers.

**Susan Fox** explained the Department contracted with doctors, dentists, developmental disability providers, foster homes, etc. They look at the service level between divisions and the different contracts for providers that do the work across the State.

**{Tape: 1; Side: A; Approx. Time Counter: 22.5 - 30.1}**

**REP. CAFERRO** was in support of the bill because it would make the legislators' jobs easier and help them to make better decisions.

**{Tape: 1; Side: B; Approx. Time Counter: 0 - 1.8}**

**REP. NOONAN** said that as the free market place comes into play, standard fees and payments should be established.

**REP. WAGMAN** asked if Legislative Audit could perform these types of issues. **Ms. Fox** replied that Legislative Audit performs financial compliance audits, performance audits and information technology audits. They wouldn't look at the rate structure per se. When they look at the rate structure they would look to see how it would comply with state laws, federal laws and accounting principals.

**Vote:** Motion carried 15-1 by roll call vote with **REP. STOKER** voting no. **REP. STOKER** and **REP. MCGILLVRAY** voted by proxy.

**{Tape: 1; Side: B; Approx. Time Counter: 1.8 - 6.8}**

**ADJOURNMENT**

Adjournment: 12:45 P.M.

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REP. ARLENE BECKER, Chairman

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MARY GAY WELLS, Secretary

AB/mw

Additional Exhibits:

**EXHIBIT ([huh41aad0.PDF](#))**