

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
55th LEGISLATURE - REGULAR SESSION**

**SUB - COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN DAN MCGEE, on April 10, 1997, at  
9:30 AM, in Room 312-1.

**ROLL CALL**

**Members Present:**

Rep. Daniel W. McGee, Chairman (Majority) (R)  
Rep. Diana E. Wyatt (D)  
Rep. William E. Boharski (R)  
Rep. Jon Ellingson (D)  
Rep. Diane Sands (D)  
Rep. Loren L. Soft (R)

**Staff Present:** John MacMaster, Legislative Services Division  
Joanne Gunderson, Committee Secretary

**Committee Business Summary:**

Executive Action: SB 374

**EXECUTIVE ACTION ON SB 374**

Others present and contributing to the discussion were: Mary Ann Wellbank, Administrator of Child Support Enforcement Division (CSED); May Pfeifer, Staff Attorney, CSED; Jack Lowney, CSED; B. J. Adams (CSED) and Kay Smith of the Department of Revenue.

**Discussion:**

*{Tape: 1; Side: A; Approx. Time Count: 0.1-41.8; Comments: Opening remarks, statement of purpose, departmental introduction and questions and answers took up the beginning of the meeting. This set of minutes is taped on two 90-minute tapes and two 60-minute tapes.}*

**Motion:** REP. ELLINGSON moved to amend SB 374 by adding "delinquent" with the word, "obligor."  
*{Tape: 1; Side: A; Approx. Time Count: 41.9}*

**Discussion:**

*{Tape: 1; Side: B; Approx. Time Count: 1.0 - 5.8}*

**EXHIBIT 1**

**Vote:** The motion carried unanimously.

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 21.0}

Motion: REP. SANDS moved to accept Section 1 of the bill with the conceptual definition of obligor.

{Tape: 1; Side: B; Approx. Time Count: 21.0}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 21.6}

Vote: The motion carried 6 - 0.

{Tape: 1; Side: B; Approx. Time Count: 22.9}

Motion: REP. SANDS moved to accept Section 2.

{Tape: 1; Side: B; Approx. Time Count: 23.6}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 23.9-26.0}

Motion/Vote: REP. BOHARSKI moved a conceptual amendment to page 5, line 7 to change "returning employee" to "rehire." The motion carried 6 - 0. {Tape: 1; Side: B; Approx. Time Count: 26.3}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 27.5-39.3}

Motion/Vote: REP. BOHARSKI moved to amend line 14, page 6 by striking "adequately provide for" and inserting "maximizes." The motion carried 6 - 0. {Tape: 1; Side: B; Approx. Time Count: 39.4-Tape 2; Side A; 0.2}

Vote: The motion to accept Section 2 as amended carried 5 - 1; REP. WYATT voting no.

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 1.1-10.2; Comments: Discussion of Section 3.}

Motion: REP. BOHARSKI moved amend section 3 to strike subsection f, line 8, page 7. {Tape: 2; Side: A; Approx. Time Count: 10.3}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 10.4-11.5}

Vote: The motion failed 3 - 3 vote. REPS. ELLINGSON, WYATT and SANDS voting no.

Motion: REP. SOFT moved to accept section 3.

{Tape: 2; Side: A; Approx. Time Count: 14.4}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 14.5-18.6}

Vote: The motion carried 5 - 1; REP. BOHARSKI voting no.

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 20.1-22.0; Comments: Section 4 was discussed and the audit report was referred to.}

Motion/Vote: REP. SANDS moved to accept section 3. The motion carried 6 - 0. {Tape: 2; Side: A; Approx. Time Count: 23.2}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 23.7; Comments: Discussion of Section 5.}

Motion: REP. SANDS moved to accept section 5.

{Tape: 2; Side: A; Approx. Time Count: 23.9}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 26.5-38.8}

Motion: REP. ELLINGSON moved a conceptual amendment to the language regarding due process.

{Tape: 2; Side: A; Approx. Time Count: 40.9}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 43.6.}

Vote: The motion carried 5 - 0. REP. SANDS was absent.

{Tape: 2; Side: A; Approx. Time Count: 44.5}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 44.8-Tape 2; Side B; 7.5}

Motion/Vote: REP. BOHARSKI moved a conceptual amendment. The motion carried 5 - 1; REP. WYATT voting no.

{Tape: 2; Side: B; Approx. Time Count: 7.8}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 9.6-16.0}

Vote: The motion to accept section 5 as amended carried 6 - 0.

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 16.8; Comments: Section 6 was discussed.}

Motion/Vote: REP. SANDS moved to accept section 6.

{Tape: 2; Side: B; Approx. Time Count: 19.5}

Motion/Vote: REP. WYATT moved to accept section 7. The motion carried 6 - 0.

{Tape: 2; Side: B; Approx. Time Count: 19.9}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 20.2; Comments: Section 8 was discussed.}

Motion/Vote: REP. SANDS moved to amend line 23, subsection 3.  
The motion carried 6 - 0.  
{Tape: 2; Side: B; Approx. Time Count: 28.5}

Motion/Vote: REP. SANDS moved to accept section 8. The motion  
carried 6 - 0. {Tape: 2; Side: B; Approx. Time Count: 28.7}

Discussion : EXHIBITS 2-2A  
{Tape: 2; Side: B; Approx. Time Count: 29.3; Comments: Section 9  
was discussed. The committee recessed at 12:15 PM. Exhibits 2-2A  
were distributed by request of REP. SANDS for the committee's  
information.

Discussion:  
{Tape: 2; Side: B; Approx. Time Count: 31.5-Tape 3; Side A (60-  
minute tape); 3.8; Comments: The committee reconvened at 4 PM and  
continued discussion on section 9.}

Motion: REP. BOHARSKI moved to strike subsection 4 in its  
entirety. {Tape: 3; Side: A; Approx. Time Count: 3.9}

Discussion:  
{Tape: 3; Side: A; Approx. Time Count: 4.7}

Motion/Vote: REP. SANDS moved a substitute motion to delete (a)  
from subsection 4. The motion carried 5 - 0. REP. ELLINGSON was  
absent until 4:15 PM.  
{Tape: 3; Side: A; Approx. Time Count: 9.0}

Discussion:  
{Tape: 3; Side: A; Approx. Time Count: 9.3-15.3; Comments:  
Discussion of (b) and (c) of subsection 4.}

Motion: REP. SANDS moved to delete the remaining portions of  
section 4. {Tape: 3; Side: A; Approx. Time Count: 15.4}

Discussion:  
{Tape: 3; Side: A; Approx. Time Count: 15.3}

Vote: The motion carried 5 - 1; REP. WYATT voting no.  
{Tape: 3; Side: A; Approx. Time Count: 17.5}

Discussion:  
{Tape: 3; Side: A; Approx. Time Count: 17.8-Tape 3; Side B; 16.3;  
Comments: Jeff Miller from the Department of Revenue spoke  
regarding administration of this portion of the bill.  
Constitutionality issues regarding this bill were discussed and  
compelling interests regarding new hires. David Owen discussed  
employers' concerns on behalf of the Montana Chamber.}

Motion/Vote: REP. SANDS moved to strike the penalties portion of  
section 9 on page 12. The motion carried 6 - 0.  
{Tape: 3; Side: B; Approx. Time Count: 16.5}

Motion/Vote: REP. SANDS moved a conceptual amendment regarding employers as assistants in the process.

{Tape: 3; Side: B; Approx. Time Count: 19.5}

Motion/Vote: REP. SOFT moved to accept section 9 as amended.

The motion carried 5 - 1; REP. WYATT voting no.

{Tape: 3; Side: B; Approx. Time Count: 17.9}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 18.2; Comments: Section 10 was discussed.}

Motion/Vote: REP. SANDS moved to accept section 10. The motion carried 6 - 0. {Tape: 3; Side: B; Approx. Time Count: 26.1}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 26.3; Comments: Section 11 was discussed.}

Motion/Vote: REP. SANDS moved to amend section 11, EXHIBIT 3 according to #1 of Exhibit 3.

{Tape: 3; Side: B; Approx. Time Count: 27.4}

Discussion:

{Tape: 4; Side: A (60-minute tape; Approx. Time Count: 0.1-19.0; Comments: John MacMaster explained amendments made in the morning session as well as amendments on Exhibit 3.)}

Motion: REP. BOHARSKI moved to strike lines 18 and 19.

{Tape: 4; Side: A; Approx. Time Count: 19.1}

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 19.9-23.2}

Vote: The motion failed 2 - 4; REPS. McGEE and BOHARSKI voting aye. {Tape: 4; Side: A; Approx. Time Count: 23.4}

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 24.0-Tape 4; Side B; 6.3}

Motion/Vote: REP. SANDS moved to accept section 11. The motion carried 5 - 1; REP. BOHARSKI voting no.

{Tape: 4; Side: B; Approx. Time Count: 6.4}

Discussion:

{Tape: 4; Side: B; Approx. Time Count: 9.7; Comments: Section 12 was discussed.}

Motion/Vote: REP. McGEE moved to amend by striking "or under-employed" on lines 4 and 5. The motion failed 2 - 4; REPS. McGEE and BOHARSKI voting aye.

{Tape: 4; Side: B; Approx. Time Count: 16.5}

Discussion:

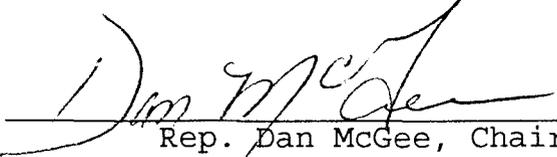
{Tape: 4; Side: B; Approx. Time Count: 17.2-25.2}

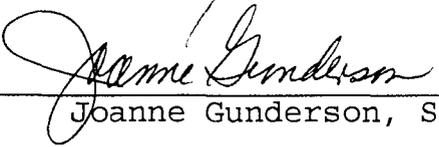
Motion/Vote: REP. SANDS moved to accept section 12. The motion carried 5 - 1; REP. BOHARSKI voting no.

{Tape: 4; Side: B; Approx. Time Count: 25.3; Comments: REP. SANDS asked that the committee look at enforcement section relative to FAME.}

ADJOURNMENT

**Adjournment:** The meeting was adjourned at 6 PM.

  
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Rep. Dan McGee, Chairman

  
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Joanne Gunderson, Secretary

DMG/jg