

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN DAN MCGEE, on April 11, 1997,
at 8:15 AM, in Room 312-1.

ROLL CALL

Members Present:

Rep. Daniel W. McGee, Chairman (Majority) (R)
Rep. Diana E. Wyatt, Vice Chairman (Minority) (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 374

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 1.0 - 20.5; Comments:
Discussion of section 13. This set of minutes is recorded on six
60-minute tapes.}

Motion: REP. BOHARSKI moved a conceptual amendment to the income
withholding portion of this section.

{Tape: 1; Side: A; Approx. Time Count: 22.2}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 28.4-Tape 1; Side B; 7.5}

Motion: REP. MCGEE moved a substitute amendment to insert, "at
the option of the employer."

{Tape: 1; Side: B; Approx. Time Count: 13.1}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 15.6}

Vote: The motion carried 5 - 0; REP. ELLINGSON was absent.
{Tape: 1; Side: B; Approx. Time Count: 26.5}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 27.2-Tape 2; Side A; 2.3}

Motion/Vote: REP. SANDS moved to accept section 13. The motion carried 5 - 0. {Tape: 2; Side: A; Approx. Time Count: 2.4}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 3.0-27.2; Comments: Sections 14 - 21 were discussed.}

Motion/Vote: REP. SANDS moved a conceptual amendment requiring DPHHS to report to the next session its progress on cooperative issues regarding child support enforcement. The motion carried unanimously. {Tape: 2; Side: A; Approx. Time Count: 28.2}

Motion/Vote: REP. SOFT moved to accept sections 14 through 21. The motion carried unanimously.
{Tape: 2; Side: A; Approx. Time Count: 29.0}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 29.5; Comments: Section 22 was explained.}

Motion/Vote: REP. BOHARSKI moved to amend the confidentiality statement on page 25, line 3. The motion carried unanimously.
{Tape: 2; Side: B; Approx. Time Count: 1.1-2.0}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 2.5}

Motion/Vote: REP. SANDS moved to accept Section 22. The motion carried unanimously. {Tape: 2; Side: B; Approx. Time Count: 3.9}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 4.1; Comments: Section 23 was discussed.}

Motion/Vote: REP. BOHARSKI moved that the same confidentiality statement be incorporated in this section. The motion carried unanimously.

Motion/Vote: REP. SOFT moved to accept section 23. The motion carried unanimously.

Motion/Vote: REP. BOHARSKI moved that the same confidentiality statement be amended into section 24. The motion carried unanimously.

Motion/Vote: REP. SOFT moved the acceptance of section 24. The motion carried unanimously.
{Tape: 2; Side: B; Approx. Time Count: 13.0}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 13.7; Comments: Section 25 was discussed.}

Motion: REP. BOHARSKI moved the confidentiality statement amendment for this section.

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

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 20.9-24.8; Comments: John MacMaster clarified the placement of the provision.}

Vote: The motion carried unanimously.

Motion/Vote: REP. McGEE moved a conceptual amendment to place the confidentiality statement throughout the bill. The motion carried unanimously.

{Tape: 2; Side: B; Approx. Time Count: 25.7}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 26.9-Tape 3; Side A; 3.5}

Motion: REP. WYATT moved to amend this section.

EXHIBIT 1

{Tape: 3; Side: A; Approx. Time Count: 3.9}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 4.0-6.5}

Vote: The motion carried unanimously.

Motion/Vote: REP. SOFT moved to accept section 25 as amended. The motion carried unanimously.

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 7.8; Comments: Section 26 was discussed.}

Motion/Vote: REP. ELLINGSON moved to accept section 26. The motion carried unanimously.

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 8.6; Comments: Section 27 was discussed.}

Motion/Vote: REP. SANDS moved to accept section 27. The motion carried unanimously.

{Tape: 3; Side: A; Approx. Time Count: 9.5}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 10.6; Comments: Section 28 was discussed.}

Motion/Vote: REP. ELLINGSON moved to accept section 28. The motion carried unanimously.

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 11.2; Comments: Section 29 was discussed.}

Motion/Vote: REP. WYATT moved to accept section 29. The motion carried unanimously.

{Tape: 3; Side: A; Approx. Time Count: 20.0}

Motion: REP. SANDS moved to amend according to number 2 of Exhibit 2. EXHIBIT 2

{Tape: 3; Side: A; Approx. Time Count: 20.6; Comments: This motion was not acted upon since it referred to the next section rather than this one.}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 21.0}

Motion/Vote: REP. BOHARSKI moved to reinsert all stricken language in section 30. The motion carried unanimously.

{Tape: 3; Side: A; Approx. Time Count: 24.5}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 26.0}

Motion: REP. BOHARSKI moved a substitute motion to change the words "pursuant to" to "under."

{Tape: 3; Side: A; Approx. Time Count: 26.3; Comments: The chairman ruled that this motion did not need a vote since it was directly related to the previous motion.}

Motion/Vote: REP. SANDS moved to accept section 30 as amended. The motion carried unanimously.

{Tape: 3; Side: A; Approx. Time Count: 26.4}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 26.5; Comments: Discussion of Section 31.}

Motion/Vote: REP. SANDS moved to amend page 36, line 23 as on item 2 of Exhibit 2. The motion carried unanimously.

{Tape: 3; Side: A; Approx. Time Count: 29.4}

Motion/Vote: REP. BOHARSKI moved to accept section 31 as amended. The motion carried unanimously.

{Tape: 3; Side: B; Approx. Time Count: 1.8}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 2.0; Comments: Sections 32 - 34 were discussed.}

Motion/Vote: REP. SANDS moved to accept these sections. The motion carried 5 - 1; REP. BOHARSKI voting no.
{Tape: 3; Side: B; Approx. Time Count: 4.0.}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 4.2; Comments: Discussion of Sections 35 and 36; it was decided to pass on these sections until later.}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 10.0; Comments: Section 37 was discussed.}

Motion/Vote: REP. WYATT moved to amend according to item 3 on Exhibit 2. The motion carried unanimously.
{Tape: 3; Side: B; Approx. Time Count: 12.7}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 13.1}

Motion/Vote: REP. SOFT moved to accept section 37 as amended. The motion carried unanimously.

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 15.8; Comments: Section 38 was discussed.}

Motion/Vote: REP. SANDS moved to accept section 38. The motion carried unanimously.
{Tape: 3; Side: B; Approx. Time Count: 16.2}

Motion: REP. SANDS moved items 4 and 5 of Exhibit 2 to section 39. {Tape: 3; Side: B; Approx. Time Count: 16.9}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 17.0}

Vote: The motion carried unanimously.
{Tape: 3; Side: B; Approx. Time Count: 18.6}

Motion/Vote: REP. ELLINGSON moved to accept section 39 as amended. The motion carried unanimously.
{Tape: 3; Side: B; Approx. Time Count: 18.8}

Motion/Vote: REP. ELLINGSON moved to accept section 40. The motion carried unanimously.
{Tape: 3; Side: B; Approx. Time Count: 19.5}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 21.0; Comments: The discussion returned to section 40.}

Motion/Vote: REP. WYATT moved to accept section 41. The motion carried unanimously.

{Tape: 3; Side: B; Approx. Time Count: 26.1}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 26.6-Tape 4; Side A; 0.6; Comments: Discussion of Section 42.}

Motion/Vote: REP. SOFT moved to accept section 42. The motion carried unanimously.

{Tape: 4; Side: A; Approx. Time Count: 0.8}

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 1.1; Comments: Discussion of section 43.}

Motion/Vote: REP. SOFT moved to accept section 43. The motion carried unanimously.

{Tape: 4; Side: A; Approx. Time Count: 10.2}

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 10.7; Comments: It was decided to skip sections needing extensive amendments; therefore, the following will reflect the absence of certain sections.}

Motion/Vote: REP. ELLINGSON moved to accept section 45. The motion carried unanimously.

{Tape: 4; Side: A; Approx. Time Count: 13.7}

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 17.5; Comments: Discussion of section 48.}

Motion/Vote: REP. WYATT moved to accept section 48. The motion carried unanimously.

{Tape: 4; Side: A; Approx. Time Count: 20.1}

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 20.4; Comments: Section 49 was discussed.}

Motion/Vote: REP. WYATT moved to amend according to item 6 on Exhibit 2. The motion carried unanimously.

Motion/Vote: REP. WYATT moved to accept section 49 as amended. The motion carried unanimously.

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 24.4; Comments: Section 50 was discussed.}

Motion: REP. MCGEE moved to amend on line 21; insert "or" and to strike language from "and" on line 21 through "," on line 22.

{Tape: 4; Side: A; Approx. Time Count: 27.2}

Discussion:

{Tape: 4; Side: B; Approx. Time Count: 0.1}

Vote: The motion carried unanimously.

Motion/Vote: REP. WYATT moved to accept section 50 as amended.

The motion carried unanimously.

{Tape: 4; Side: B; Approx. Time Count: 1.8}

Motion/Vote: REP. WYATT moved to accept section 51. The motion carried unanimously.

{Tape: 4; Side: B; Approx. Time Count: 2.2; Comments: The section was briefly discussed prior to the vote.}

Discussion:

{Tape: 4; Side: B; Approx. Time Count: 3.6; Comments: Section 52.}

Motion: REP. BOHARSKI moved to strike the language on line 18, page 63.

{Tape: 4; Side: B; Approx. Time Count: 9.0}

Discussion:

{Tape: 4; Side: B; Approx. Time Count: 9.1}

Vote: The motion failed 2 - 4; REPS. MCGEE and BOHARSKI voted aye; REP. SANDS voted no by proxy.

Motion/Vote: REP. SOFT moved to accept section 52. The motion carried 4 - 2; REPS. MCGEE and BOHARSKI voting no. REP. SANDS voted aye by proxy (the proxy vote reflects no on the amendment, yes on the section according to REP. WYATT's voice vote during the action.)

Discussion:

{Tape: 4; Side: B; Approx. Time Count: 12.0; Comments: Section 53.}

Motion: REP. BOHARSKI moved to amend saying that an alleged father would be reimbursed if the blood test proved he was not the father.

{Tape: 4; Side: B; Approx. Time Count: 13.3}

Vote: The motion carried 4 - 2; REPS. WYATT and SANDS voting no. REP. SANDS voted by proxy.

{Tape: 4; Side: B; Approx. Time Count: 14.8}

Motion/Vote: REP. BOHARSKI moved to accept section 53. The motion carried 4 - 2; REPS. WYATT and SANDS voting no. REP. SANDS voted by proxy.

{Tape: 4; Side: B; Approx. Time Count: 15.7; Comments: The committee recessed until 3:45 PM.}

Discussion:

{Tape: 4; Side: B; Approx. Time Count: 20.3-27.0; Comments: John MacMaster explained amendments dealing with social security numbers. REPS. SANDS and McGEE were absent and REP. CLARK sat in as chairman for this session which was reconvened at 3:45 PM.}

Discussion:

{Tape 4; Side B; Approximate Time Count 27.4-Tape: 5; Side: A; 0.1-2.9; Comments: Section 54.}

Motion/Vote: REP. SOFT moved to accept section 54. The motion carried unanimously.

{Tape: 5; Side: A; Approx. Time Count: 3.0}

Discussion:

{Tape: 5; Side: A; Approx. Time Count: 3.5; Comments: Section 55.}

Motion/Vote: REP. SOFT moved to accept section 55. The motion carried unanimously.

{Tape: 5; Side: A; Approx. Time Count: 6.5}

Discussion:

{Tape: 5; Side: A; Approx. Time Count: 6.7; Comments: Section 56 was explained and it was decided to come back to it later. There was further discussion about the confidentiality issues of the bill.}

Motion/Vote: REP. WYATT moved to accept section 57. The motion carried unanimously.

{Tape: 5; Side: A; Approx. Time Count: 13.5}

Discussion:

{Tape: 5; Side: A; Approx. Time Count: 16.1; Comments: Sections 58 - 70 were discussed.}

Motion/Vote: REP. WYATT moved to accept Section 58. The motion carried 3 - 2; REPS. BOHARSKI and McGEE voting no. (REP. McGEE'S vote was recorded per the chairman's instruction, a proxy form was not provided to the secretary.)

{Tape: 5; Side: A; Approx. Time Count: 17.6}

Discussion:

{Tape: 5; Side: A; Approx. Time Count: 19.4-Tape 6; Side A; 8.5; Comments: Sections 59 through 63 were discussed.}

Motion/Vote: REP. BOHARSKI moved to amend section 63. The motion carried unanimously.

{Tape: 6; Side: A; Approx. Time Count: 8.7}

Motion/Vote: REP. BOHARSKI moved to accept section 63 as amended. The motion carried unanimously.

{Tape: 6; Side: A; Approx. Time Count: 9.0}

Discussion:

{Tape: 6; Side: A; Approx. Time Count: 9.5; Comments: Section 64.}

Motion/Vote: REP. ELLINGSON moved to amend section 64 on line 16, page 73 to strike "immediate." The motion carried unanimously.

{Tape: 6; Side: A; Approx. Time Count: 15.3; Comments: It was decided to come back to section 64.}

Discussion:

{Tape: 6; Side: A; Approx. Time Count: 19.3; Comments: Sections 65 - 70.}

Motion/Vote: REP. BOHARSKI moved to accept sections 65 through 70. The motion carried unanimously.

{Tape: 6 Side: A; Approx. Time Count: 20.3}

Discussion:

{Tape: 6; Side: A; Approx. Time Count: 21.3; Comments: Section 69.}

Motion/Vote: REP. BOHARSKI moved to insert "purposefully and" in section 69. The motion carried unanimously.

{Tape: 6; Side: A; Approx. Time Count: 24.6}

Motion/Vote: REP. BOHARSKI moved to accept section 69 as amended. The motion carried 4 - 1; REP. BOHARSKI voting no.

{Tape: 6; Side: A; Approx. Time Count: 24.6}

Motion/Vote: REP. BOHARSKI moved to accept section 70. The motion carried unanimously.

{Tape: 6; Side: A; Approx. Time Count: 26.3}

Discussion:

{Tape: 6; Side: A; Approx. Time Count: 26.6-Tape 6; Side B; 0.1; Comments: Discussion on section 71.}

Motion/Vote: REP. SOFT moved to accept section 71. The motion carried unanimously.

{Tape: 6; Side: B; Approx. Time Count: 0.2}

Discussion:

{Tape: 6; Side: B; Approx. Time Count: 0.8; Comments: Section 72.}

Motion/Vote: REP. ELLINGSON moved to accept section 72. The motion carried unanimously.

{Tape: 6; Side: B; Approx. Time Count: 1.6}

Discussion:

{Tape: 6; Side: B; Approx. Time Count: 2.0-7.5; Comments: Sections 73 - 77 were explained and discussed.}

Motion/Vote: REP. WYATT moved to accept section 77. The motion carried 3 - 1; REP. BOHARSKI voting no.
{Tape: 6; Side: B; Approx. Time Count: 7.7}

Discussion:

{Tape: 6; Side: B; Approx. Time Count: 8.4-21.5; Comments:
Sections 78 - 85 were discussed and it was decided to revisit these sections at the next meeting.}

EXHIBIT 3

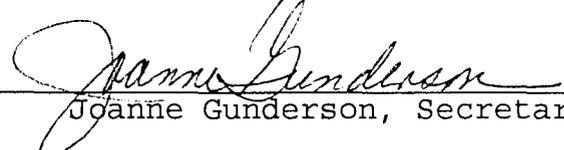
{Comments: This exhibit was presented during this subcommittee meeting.}

ADJOURNMENT

Adjournment: The meeting was adjourned at 5:40 PM.



Rep. Dan McGee, Chairman



Joanne Gunderson, Secretary

DMG/jg