

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By Chairman Hager, on January 18, 1989, at
1:00 p.m. in Room 410.

ROLL CALL

Members Present: All members present.

Members Excused: None.

Members Absent: None.

Staff Present: Tom Gomez, Legislative Council.

HEARING ON SENATE BILL 113

Presentation and Opening Statement by Sponsor: Senator
Tveit, District #11, introduced the bill at the request
of the department of family services to take care of
the problem of persons aiding a youth in not returning
to the correctional facility even though the youth may
have had permission to leave for a few hours. It is
already covered in the statutes for anyone aiding a
youth leaving the facility without permission but this
would impose a penalty at the other end.

List of Testifying Proponents and What Group they Represent:

Bill Unger, Superintendent of Mountain View School,
Helena;

List of Testifying Opponents and What Group They Represent:

None.

Testimony:

Bill Unger, Mountain View School, related an experience at
Mountain View which precipitated the request for this
bill. A mother had picked up her daughter on a four
hour furlough, took her to Butte and bought her a
ticket to San Francisco and the school did not see her
again. This bill would impose a penalty for such an

action where the youth had permission to leave for a period of time and failed to return at the specified time. See Exhibit #1 attached.

Questions From Committee Members: Sen. Norman questioned Sen. Tveit about the amendment on page 1, line 15. Sen. Tveit said this was probably done in the drafting process and would be considered a clerical change, however, it does not affect the intent of the bill. Sen. Norman also expressed concern about the effective date as being on passage and approval as this can cause problems for the courts and attorneys because the session laws are not printed and published until much later.

Closing by Sponsor: Sen. Tveit, in response to Sen. Norman's concern about the effective date, said he would have no objection to the effective date being deleted from the bill.

DISPOSITION OF SENATE BILL 113

Discussion: Sen. Lynch asked if there was any reason for this effective date appearing on so many bills. Tom Gomez stated that the drafters are not to provide for an immediate effective date as most laws are to automatically be effective on October 1 at which time the session laws would be published.

Amendments and Votes: Sen. Lynch moved that SB 113 be amended by striking Section 2, page 2, lines 6 and 7. Sen. Rasmussen seconded the motion; MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Sen. Lynch then moved that SB 113 DO PASS AS AMENDED; MOTION CARRIED UNANIMOUSLY.

HEARING ON SENATE BILL 120

Presentation and Opening Statement by Sponsor: Senator Ethel Harding, District #25, introduced the bill at the request of the Department of Health and Environmental Sciences to enable them to obtain birth information for a person born out of wedlock for child support enforcement action. These records are now closed and private, however, the department needs the affidavit of paternity in order to enforce support for the child.

List of Testifying Proponents and What Group they Represent:

Sam Sperry, Bureau Chief, Records and Statistics
Bureau, Department of Health and Environmental
Sciences;

List of Testifying Opponents and What Group They Represent:

None.

Testimony:

Sam Sperry, Department of Health and Environmental Sciences, submitted written testimony (Exhibit #2) and urged the support of the committee for a do pass on the bill.

Questions From Committee Members: Sen. Norman asked if the affidavit of paternity is in the hands of the clerk and recorder. Mr. Sperry explained the process of obtaining the affidavit of paternity at the time of the birth. This affidavit is sent to the clerk and recorder and is then forwarded to the state office with the birth certificate, however, the clerk and recorder does not file the affidavit. In order for the father's name to be on the birth certificate an affidavit must be signed by him acknowledging paternity or his name would not appear on the birth certificate.

Sen. Pipinich related a problem which had been brought to him by a young lady having problems in locating her birth mother. Mr. Pipinich was advised by Mr. Sperry to have the young lady contact him.

Sen. Himsl pointed out that this bill also has an effective date on passage and approval and said if this wasn't that urgent it should be deleted.

Closing by Sponsor: In closing, Sen. Harding pointed out that the affidavit of paternity is received by the clerk and recorder but is then sent to Helena with the birth certificate. There is no record kept in the office of clerk and recorder. In order for the Department of Revenue to enforce child support actions this bill is essential.

DISPOSITION OF SENATE BILL 120

Discussion: Sen. Rasmussen asked what the procedure is for effective dates. Tom Gomez replied that the law provides for October 1 of the same year.

Amendments and Votes: Sen. Lynch moved that Senate Bill 120 be amended by striking Section 4, page 3, lines 6 and 7. MOTION CARRIED UNANIMOUSLY.

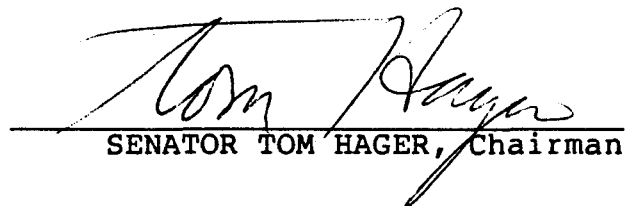
Recommendation and Vote: Sen. Lynch moved that Senate Bill 120 DO PASS AS AMENDED; MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 63

Discussion: Sen. Lynch moved that SB 63 do pass. Chairman Hager stated that he had received some new information following the hearing on SB 63 and in view of the fact that Senators Norman and Himsl were absent at the hearing the bill would be discussed on Friday, January 20. Sen. Lynch withdrew his motion.

ADJOURNMENT

Adjournment At: 1:30 p.m.


SENATOR TOM HAGER, Chairman

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STANDING COMMITTEE REPORT

January 18, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration SB 113 (first reading copy -- white), respectfully report that SB 113 be amended and as so amended do pass:

1. Title, line 7.

Following: "FACILITY;"

Insert: "AND"

2. Title, lines 7 and 8.

Following: "MCA"

Strike: remainder of lines 7 and 8 through "DATE" on line 8

3. Page 2, lines 6 and 7.

Strike: section 2 in its entirety

AND AS SO AMENDED DO PASS

Signed: 

Thomas O. Hager, Chairman

STANDING COMMITTEE REPORT

January 18, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration SB 120 (first reading copy -- white), respectfully report that SB 120 be amended and as so amended do pass:

1. Title, line 10.

Following: ";"

Insert: "AND"

2. Title, line 11.

Following: "MCA"

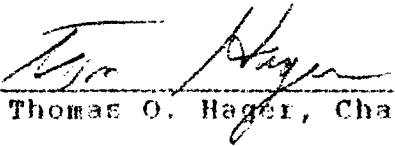
Strike: remainder of line 11 through "DATE"

3. Page 3, lines 6 and 7.

Strike: section 4 in its entirety

AND AS SO AMENDED DO PASS

Signed: _____


Thomas O. Hager, Chairman

SCRSB120.118

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1-18
1.7

SENATE HEALTH & WELFARE

EXHIBIT NO. #1

DATE 1-18-89

BILL NO. SB 113

SB 113

Senate Bill 113 allows for a penalty when a person assists a youth from not returning to a youth correctional facility.

A youth may be on an authorized or unauthorized leave from the facility, and if a person knowingly assists that youth from not returning, they may be charged with an offense. Currently, law provides for a penalty if you assist a resident from leaving a facility, but does not cover an occurrence, if the youth is off grounds and you assist in them not returning.

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 1-18-89 COGSWELL BUILDING

BILL NO. SB 120



STAN STEPHENS, GOVERNOR

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

January 18, 1989

TESTIMONY IN SUPPORT OF SB-120 BEFORE THE SENATE PUBLIC HEALTH COMMITTEE.

PRESENTED BY: SAM H. SPERRY
CHIEF OF THE BUREAU OF RECORDS AND STATISTICS
MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

For some years, when the Department of Revenue has needed copies of birth certificates for out-of-wedlock births, which were accompanied by affidavits of paternity, for child support enforcement action, the Department of Revenue has had to obtain a signed release from the mother. This release was then submitted to the Department of Health and Environmental Sciences, who then produced the necessary documents for the Department of Revenue. Due to changes in AFDC requirements and due to limited cooperation from many mothers, this procedure has begun to fail the needs of the Department of Revenue.

These concerns were referred to the Legal Division of the Department of Health and Environmental Sciences and on August 25, 1987, the Legal Division issued an opinion that the Department of Revenue should receive the same access to out-of-wedlock birth information for child support action as does the Department of Social and Rehabilitation Services and the Department of Family Services, for other purposes.

In order for the Department of Revenue to carry out its statutory responsibility regarding child support enforcement under the Uniform Reciprocal Child Support Enforcement Act (Title 40, Chapter 4, MCA), it is necessary for the Department of Health and Environmental Sciences to amend the language in 50-15-112 MCA and 50-15-206 MCA to allow the department to provide copies of birth certificates accompanied by paternity affidavits for those instances necessary to child support action. SB-120, as before you, will provide necessary amendment and the department urges a "do pass" action on this bill.

