

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By Angela Russell, Chair on January 23, 1991, at
3:00 p.m.

ROLL CALL

Members Present:

Angela Russell, Chair (D)
Arlene Becker (D)
William Boharski (R)
Jan Brown (D)
Brent Cromley (D)
Tim Dowell (D)
Patrick Galvin (D)
Stella Jean Hansen (D)
Royal Johnson (R)
Betty Lou Kasten (R)
Thomas Lee (R)
Charlotte Messmore (R)
Jim Rice (R)
Sheila Rice (D)
Wilbur Spring (R)
Carolyn Squires (D)
Jessica Stickney (D)
Bill Strizich (D)
Rolph Tunby (R)

Members Excused: Rep. Tim Whalen

Staff Present: David Niss, Legislative Council
Jeanne Krumm, Committee Secretary

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

EXECUTIVE ACTION ON SB 24

Motion: REP. JOHNSON MOVED SB 24 BE CONCURRED IN.

Motion/Vote: REP. RUSSELL moved to amend SB 24. EXHIBIT 1.
Motion carried unanimously.

Motion: REP. S. RICE moved to amend SB 24. EXHIBIT 2

Discussion:

REP. BECKER asked if it was common for an adult child to
terminate a relationship with the parents for reasons of medical
support, food, clothing and shelter. REP. RUSSELL stated that
she would see this situation happening in an adoption.

REP. MESSMORE asked where the language in the amendment came from. David Niss stated that the language concerning the parent/child legal relationship came from one of the methods provided in the state statute for termination of that relationship. Termination of that relationship is specifically provided for in title 21, chapter 3, part 6, which is the Parent/Child Legal Relationship Termination Act of 1981. This is not the only method used to terminate that relationship. It is used in those cases where there has been abuse or neglect of the minor child. That is why no citation to this chapter was used.

Vote: Motion to amend SB 24 carried unanimously.

Motion: REP. JOHNSON MOVED SB 24 BE CONCURRED IN AS AMENDED.

Discussion:

REP. DOWELL stated that there are many children estranged from fathers since they were babies. The children remember beatings and have bad memories they wish they could forget. When these children become adults, the last thing they want, is to hear that they must pay for the burial or cremation of the parent. It is difficult for a family to have this abusive parent pass away and then be responsible for burial, cremation or entombment costs.

REP. HANSEN stated that one problem with the bill is that the child must have the ability to do so, does this mean monetarily. Many parents who are 80 or 90 years old have children in rest homes. Some are not mentally capable of this responsibility, but are financially capable. Does this responsibility also fall to the children. The children may need that money themselves in old age.

REP. CROMLEY stated the amendments create a new duty in which an adult child must support abusive parents.

REP. KASTEN stated her concern is that the current law isn't being enforced. Current law requires children to support the indigent parents when children have the resources.

REP. BOHARSKI stated that the bill, as written previously, said if the parent beat the child or walked out on the family they may be excused from those responsibilities to provide food, clothing and shelter. According to the amended bill, not only does the adult child have to support that parent, but now is responsible for burial, cremation or entombment costs. David Niss stated that by striking the language on page 1, lines 20 and 21, all of those current defenses have been removed.

REP. STICKNEY stated that the purpose of this bill is to allow counties to collect from family members who can pay for the burial. There may be another vehicle to use.

REP. TUNBY stated that in the present law, children have an

obligation to take care of their parents. If they are doing that they would go ahead and bury them, if they are not doing that

then the chances of getting the children to bury their parents are very slim.

Motion/Vote: REP. BOHARSKI MADE A SUBSTITUTE MOTION THAT SB 24 BE TABLED. Motion carried 17-3, with REPS. CROMLEY, BECKER, and RUSSELL voting no.

Hearing on SB 24 closed.

Tom Olson, Director, Department of Family Services, gave a presentation on the Department's plans and proposals for the biennium.

ADJOURNMENT

Adjournment: 4:05 p.m.



ANGELA RUSSELL, Chair



Jeanne Krumm, Secretary

AR/jck

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE 1-23-91

NAME	PRESENT	ABSENT	EXCUSED
REP. ANGELA RUSSELL, CHAIR	✓		
REP. TIM WHALEN, VICE-CHAIR			✓
REP. ARLENE BECKER	✓		
REP. WILLIAM BOHARSKI	✓		
REP. JAN BROWN	✓		
REP. BRENT CROMLEY	✓		
REP. TIM DOWELL	✓		
REP. PATRICK GALVIN	✓		
REP. STELLA JEAN HANSEN	✓		
REP. ROYAL JOHNSON	✓		
REP. BETTY LOU KASTEN	✓		
REP. THOMAS LEE	✓		
REP. CHARLOTTE MESSMORE	✓		
REP. JIM RICE	✓		
REP. SHEILA RICE	✓		
REP. WILBUR SPRING	✓		
REP. CAROLYN SQUIRES	✓		
REP. JESSICA STICKNEY	✓		
REP. BILL STRIZICH	✓		
REP. ROLPH TUNBY	✓		

EXHIBIT 1
DATE 1-23-91
1 SB 24

Amendments to Senate Bill No. 24
Third Reading Copy

Requested by Sen. Angela Russell
For the Committee on Human Services and Aging

Prepared by David S. Niss
January 23, 1991

1. Page 2, line 5.
Following: "burial"
Insert: ", entombment, or cremation"

2. Page 2, line 7.
Following: "burial"
Insert: ", entombment, or cremation"

Amendments to Senate Bill No. 24
Third Reading Copy

Requested by Sen. Sheila Rice
For the Committee on Human Services and Aging

Prepared by David S. Niss
January 23, 1991

1. Page 1, line 19.
Following: "unless"
Strike: the remainder of line 19

2. Page 1, line 20.
Strike: all of line 20

3. Page 1, line 21.
Strike: everything before the period
Insert: "the parent-child legal relationship has been terminated
by a court pursuant to law "