

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN RUSSELL FAGG**, on January 21, 1993, at 9:00 a.m.

ROLL CALL

Members Present:

Rep. Russ Fagg, Chairman (R)
Rep. Randy Vogel, Vice Chairman (R)
Rep. Ellen Bergman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Bob Clark (R)
Rep. Duane Grimes (R)
Rep. Scott McCulloch (D)
Rep. Jim Rice (R)
Rep. Angela Russell (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Bill Tash (R)
Rep. Howard Toole (D)
Rep. Tim Whalen (D)
Rep. Karyl Winslow (R)
Rep. Diana Wyatt (D)

Members Excused: Rep. Dave Brown (D)

Members Absent: None.

Staff Present: John MacMaster, Legislative Council
Beth Miksche, Committee Secretary

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

Committee Business Summary:

Hearing: SB 24
Executive Action: HB 127, SB 24

HEARING ON SB 24

Opening Statement by Sponsor:

REP. SCOTT MCCULLOCH, HD 96, Billings, opened SB 24 for SENATOR CHET BLAYLOCK, SENATE DISTRICT 43, Laurel, while SEN. BLAYLOCK was attending the Presidential Inauguration.

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT PAYMENT OF PREMIUMS TOWARD GROUP INSURANCE FOR EMPLOYEES AND THEIR DEPENDENTS IS NOT MARITAL STATUS DISCRIMINATION UNDER THE MONTANA HUMAN RIGHTS LAWS; AMENDING SECTIONS 2-18-702, 2-18,703, 49-2-303, AND 49-3-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Proponents' Testimony:

Phil Campbell, Montana Education Association, stated the purpose of this bill is to clarify for employers to provide health care for employees and dependents is not marital status discrimination. There have been allegations that an employer must provide insurance to the employees and their dependents. This is not the case for the single employee with dependents. The employer is providing insurance for married employees and dependents, and not the single employee; therefore, it was based on marital discrimination. There was a preliminary report from investigators saying that this bill has gone into appeal. There has been no hearing and no litigation on this particular problem, employers back away from offering health insurance benefits for their employees' dependents. This issue should have nothing to do with marital discrimination because premium rates are set by the number of people using the policy. The Senate offered amendments to this bill.

Terry Minow, Montana Federation of Teachers, Montana Federation of State Employees, and Montana Federation of Health Care Employees, stated the aforementioned organizations strongly support SB 24 because it will allow employees to collectively bargain over the insurance that they are provided.

Alec Hansen, Executive Director, Montana League of Cities and Towns, maintained some companies simply cannot afford to provide the same amount to each employee, which would mean people with dependents would not get full or adequate insurance coverage. The amendment recognizes that employers can provide a health insurance program that covers all dependents, and this means that single people will get full coverage.

Dave Stevenson, University System, stated the University System's current staff of 488 individuals take advantage of the employee joint/spouse rate, which also covers their children without an out-of-pocket fee. There is a grievance clause in the University's contract that states in the event SB 24 does not pass, the employees will still have insurance.

Larry Akey, Montana Association of Life Underwriters (MALU), said the MALU consists of over 600 life insurance agents throughout the state of Montana. The previous proponent, Terry Minow, said this bill will have an impact on the public sector and collective bargaining packages; however, that's not the case. If passed, this legislation will improve affordability and availability of health insurance in the state of Montana.

The following proponents supported SB 24:

Don Waldron, Montana Rural Education Association.

Sandra Oitzinger, Montana Association of Counties.

Tom Hopgood, Attorney, Health Insurance Association of America.

Warren Fraser, School Administration of Montana.

Tim Bergstrom, Montana State Firemens' Association.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. BILL TASH'S has a constituent who is a single parent with dependents and has indicated that she has had problems having claims recognized through her divorce status. He inquired if this bill would help her in this situation? Mr. Campbell said he is not sure if the employer would cover the dependents in this situation, and said the bill will not eliminate any potential discrimination.

Closing by Sponsor: None.

EXECUTIVE ACTION ON SB 24

Motion/Vote: REP. VOGEL MOVED SB 24 BE CONCURRED IN. Motion carried unanimously. REP. MCCULLOCH will carry in the House.

EXECUTIVE ACTION ON HB 127

Motion: REP. RICE MOVED HB 127 DO PASS.

Discussion:

REP. GRIMES is concerned that hearsay evidence would be used by adults when the real intention of this bill was to utilize social experts and other experts to talk to children rather than putting children on the stand. REP. GRIMES moved REP. SAYLES' amendments. EXHIBIT 1

Motion/Vote: Question on Amendments (first part of No. 1) and 3 only. They read as follows per final discussion:

1. Title, line 5.

Following: "EVIDENCE"

Insert: "OF THE YOUTH'S STATEMENTS"

3. Title, line 9.

Following: "evidence"

Insert: "of statements made by the affected youth"

Vote: Amendments carried 11-6. Those voting for the amendments are REPS. VOGEL, BIRD, BERGMAN, BROOKE, GRIMES, MCCULLOCH, RICE, SMITH, TOOLE, WHALEN and WYATT. Those voting to do not pass are CHAIRMAN FAGG, REPS. CLARK, RUSSELL, SAYLES, TASH, and WINSLOW.

No further discussion on the bill as amended.

Vote: HB 127 DO PASS AS AMENDED. Motion carried 17-1 with REP. WHALEN voting no.

ADJOURNMENT

Adjournment: 10:30 a.m.

Russell Fagg

RUSSELL FAGG, Chairman

Beth Miksche

BETH MIKSCHÉ, Secretary

by Shirley Herrin

RF/bcm

HOUSE STANDING COMMITTEE REPORT

January 21, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
Senate Bill 24 (third reading copy -- blue) do pass .

Signed: _____
Russ Fagg, Chair

Recommendation: Senate Bill 24 do pass

HOUSE STANDING COMMITTEE REPORT

January 21, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 127 (first reading copy -- white) do pass as amended .

Signed: _____
Russ Fagg, Chair

And, that such amendments read:

1. Title, line 5.

Following: "EVIDENCE"

Insert: "OF THE YOUTH'S STATEMENTS"

2. Page 2, line 9.

Following: "evidence"

Insert: "of statements made by the affected youth"

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 1-21-93 BILL NO. SB 24 NUMBER 18

MOTION: Do Pass As Amended
Carries Unanimously

NAME	AYE	NO
Rep. Russ Fagg, Chairman	✓	
Rep. Randy Vogel, Vice-Chair	✓	
Rep. Dave Brown, Vice-Chair	✓	
Rep. Jodi Bird	✓	
Rep. Ellen Bergman	✓	
Rep. Vivian Brooke	✓	
Rep. Bob Clark	✓	
Rep. Duane Grimes	✓	
Rep. Scott McCulloch	✓	
Rep. Jim Rice	✓	
Rep. Angela Russell	✓	
Rep. Tim Sayles	✓	
Rep. Liz Smith	✓	
Rep. Bill Tash	✓	
Rep. Howard Toole	✓	
Rep. Tim Whalen	✓	
Rep. Karyl Winslow	✓	
Rep. Diana Wyatt	✓	

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 1-21-93 BILL NO. HB 177 NUMBER 18

MOTION: Do Pass As Amended

NAME	AYE	NO
Rep. Russ Fagg, Chairman	✓	
Rep. Randy Vogel, Vice-Chair	✓	
Rep. Dave Brown, Vice-Chair	✓	
Rep. Jodi Bird	✓	
Rep. Ellen Bergman	✓	
Rep. Vivian Brooke	✓	
Rep. Bob Clark	✓	
Rep. Duane Grimes	✓	
Rep. Scott McCulloch	✓	
Rep. Jim Rice	✓	
Rep. Angela Russell	✓	
Rep. Tim Sayles	✓	
Rep. Liz Smith	✓	
Rep. Bill Tash	✓	
Rep. Howard Toole	✓	
Rep. Tim Whalen		✓
Rep. Karyl Winslow	✓	
Rep. Diana Wyatt	✓	
	17	1

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 1-21-93 BILL NO. HB 127 NUMBER 17

MOTION: Rep. Grimes' Amendments # 1 and 3 only
Amendments carry 11-6

NAME	AYE	NO
Rep. Russ Fagg, Chairman		✓
Rep. Randy Vogel, Vice-Chair	✓	
Rep. Dave Brown, Vice-Chair	NO	VOTE
Rep. Jodi Bird	✓	
Rep. Ellen Bergman	✓	
Rep. Vivian Brooke	✓	
Rep. Bob Clark		✓
Rep. Duane Grimes	✓	
Rep. Scott McCulloch	✓	
Rep. Jim Rice	✓	
Rep. Angela Russell		✓
Rep. Tim Sayles		✓
Rep. Liz Smith	✓	
Rep. Bill Tash		✓
Rep. Howard Toole	✓	
Rep. Tim Whalen	✓	
Rep. Karyl Winslow		✓
Rep. Diana Wyatt	✓	
	11	6

Amendments to House Bill No. 127
First Reading Copy

Requested by Rep. Sayles
For the Committee on the Judiciary

Prepared by John MacMaster
January 20, 1993

1. Title, line 5.

Following: "EVIDENCE"

Insert: "OF THE YOUTH'S STATEMENTS"

Following: "HEARING IN"

Strike: "A"

Insert: "CERTAIN"

2. Title, line 6.

Strike: "PROCEEDING"

Insert: "PROCEEDINGS"

3. Page 2, line 9.

Following: "evidence"

Insert: "of statements made by a youth"

4. Page 2, line 10.

Following: "hearing"

Insert: "if the evidence offered by a person is corroborated and
if the petition alleges that the youth is abandoned,
sexually abused or exploited, or in imminent danger of
serious mental or physical injury"

Following: "._"

Insert: "Corroboration may be by the hearsay offering of another
person who testifies as to the same statements."

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Judiciary COMMITTEE BILL NO. SB 24
DATE Jan. 21, 1993 SPONSOR(S) Blaylock

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Phil Campbell	MEA	X	
Tom Hopgood	Health Ins. Assoc. America	✓	
Sandra Oltzinger	MA Co	✓	
Loran Frazer	SAM	✓	
Dan Walden	MREA	✓	
LARRY AREY	ASSOC OF LIFE UNDERWRITERS	✓	
SHARON HOFF	MT CATHOLIC CONFERENCE	✓	
Jim Tillotson	City of Billings	✓	
Tom Foley	AFSCME	X	
Tim BERGSTROM	MT. STATE FIREMEN'S ASSOC	X	
Terry Minow	State Emp, Health Care Employees MT Ed of Teachers	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.