MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON HOUSE AMENDMENTS TO SENATE BILL 139

Call to Order: By **SEN. JESSE LASLOVICH**, on April 14, 2005 at 9:00 A.M., in Room 350 Capitol.

ROLL CALL

Members Present:
Sen. Jesse Laslovich, Chair (D)
Sen. Brent R. Cromley (D)
Rep. Mary Caferro (D)
Sen. John Esp (R)
Rep. Tom Facey (D)
Rep. Penny Morgan (R)
Rep. Ron Stoker (R)

Members Excused: None.

Members Absent: None.

Staff Present: Annie Glover, Committee Secretary
John MacMaster, Legislative Branch

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

Committee Business Summary:
Hearing & Date Posted: None.
Executive Action: SB 139

Note: The tape was barely audible throughout the discussion of the proposed amendments. The following is transcribed as accurately as possible.

CHAIRMAN LASLOVICH opened the hearing on the Conference Committee for SB 139.

SEN. JOHN ESP, SD 31, BIG TIMBER, expressed that the bill was at the request of the Child Support Enforcement Division. He explained that most of the bill was cleanup of current statute; however, he expressed that there were some important aspects of the bill as well. He mentioned Rule 5, which was an issue in the amendments.

Amy Pfeiffer, Attorney for the Child Support Division, confirmed that there were two amendments made by the House on SB 139. She noted that both were done on Section 8, which would amend 40-5-277. The first set of amendments put the language back to current law regarding the need to file foreign orders with the Montana District Court before they finalize the modifications. The other amendments were on service of process. She informed the Committee that the way the service process worked currently is that, when there is a request for a modification and they begin the process, the parties are personally served notice of the modification. Then the procedure flows from there and the concurrent notices are sent to the address of the first notice. She explained that in current law, when the proposal is done, the people need to be served again. She expressed that people try to avoid service. What they were asking for was that the final service be by regular mail, rather than a personal notification. The reason she gave for this amendment was efficiency.

SEN. ESP asserted that the process would take less than 180 days. He wondered if the individuals being served moved often during the process.

Ms. Pfeiffer replied that some don't, but by nature of their case load, there are people who quit jobs and move. She noted that, if a person did not want to be a part of the process, they can avoid it. Their motive is to inform people of what could happen if they did not participate.

REP. STOKER asked how complete the first order was generally. He was curious if they were modified greatly.

Ms. Pfeiffer indicated that the first notice was a notification of the request for a modification and it described the process but most of the information would not be available at that time.

REP. STOKER expressed that **REP. NOENNIG** would have problems with that because, between the initial notification and the final notification, the individual being served would not know what is going on.

Ms. Pfeiffer agreed with **REP. STOKER'S** assessment of **REP. NOENNIG'S** reaction. She clarified that the individual being served can sign the modification or they can request a court appearance. She noted that there were not a lot of objection hearings currently, even with notices being served in person. She assumed that it would be less than 10% of those served who brought forth an objection.

REP. STOKER followed up by asking how practical it would be for the order to be completed in the first serving.

Ms. Pfeiffer responded that it would not be accurate or appropriate for either party. She expressed that they would not have the full income figure in order to complete the process in the first serving.

REP. FACEY wondered how the post office would handle the issuance of these cards. He asked if they would have to return the notice saying that the individual either was not there or did not want to sign the card.

Mr. MacMaster explained that Rule 5 would no longer apply. He thought that if the person never signed the notice then the process would not be completed.

SEN. ESP requested that **SEN. CROMLEY** give his opinion.

SEN. CROMLEY did not understand how the original bill and the revised bill would work.

Ms. Pfeiffer handed out the amendment to the bill.

EXHIBIT(ccs80sb0139a01)

REP. FACEY felt that the process being proposed was fair. He suggested accepting amendments 1 and 2 and the Department's amendment in place of the House's amendments 3 and 4.

Motion/Vote: REP. FACEY moved that SB 139 BE AMENDED. Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 9:30 A.M.

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SEN. JESSE LASLOVICH, Chairman

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ANNIE GLOVER, Secretary

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BRITT NELSON, Transcriber

JL/ag/bn

Additional Exhibits:

EXHIBIT(ccs80sb0139aad0.PDF)