

MINUTES OF MEETING  
HOUSE RULES COMMITTEE  
MONTANA STATE LEGISLATURE

January 13, 1977

The meeting of the House Rules Committee was called to order by Rep. Meloy, Chairman, on the above date in Room 343 at 2:30 P.M.

Members of the committee present were:

Rep. Bradley	Rep. Driscoll	Rep. Brand
Rep. Meloy	Rep. Marks	Rep. Moore
Rep. Fagg	Rep. Kvaalen	Rep. Bardanouve

Also present were Reps. Gould, Teague, Huennekens, Barrett, Vincent, and J. Gunderson, and Chief Clerk Martha McGee.

Senate Joint Resolution No. 1.

Rep. Meloy opened the meeting to suggestions from the people attending the hearing.

Rep. Teague wished to voice his concern over transmittal deadlines. He felt that the deadline on introduction of bills, in particular, was a problem. He said that since the old rules were based on a 60 day session that the 18th day deadline should be changed to the 30th day. He said he had four or five possible ideas. He felt that the legislators needed more time to interreact before some bills might come to the surface, that one-third of the way through the session was too soon. Regarding Joint Rule 6-34, he felt that the halfway mark in the session for transmitting bills imposed upon him a fast and hard pace. He would like to prevent the rush stage in the last few days before the deadline. He felt that his suggestion of a 30th day deadline would give the committees more leeway in deciding the importance of bills, and that a screening committee might possibly be necessary. The sponsor of a bill has a right, with a two-thirds vote, to blast out his bill, but he has no transmittal right; the bill either dies, or is deferred to the next session. It's important that the sponsor of a bill not be rushed. He said that some states have no transmittal deadline. He said that because of the last minute rush, when sponsors get up to explain their bills, the legislators are tired and want to go home, and that it's not fair to them when this happens. He felt that the time element was important for committee work.

Rep. Moore felt that there would still be problems even if the transmittal deadline was on the 80th day and that a firm deadline was necessary.

Rep. Teague said this was true if the legislature had to act on every bill that was introduced.

Rep. Gould said he had a different idea. He is still mad after two years over the pay plan. This bill wasn't heard in the Appropriations Committee in the House and was knocked out. He felt that in this session HB 122 was not going to be given the fair consideration it should get. He felt the Senate would end up doing the major work on 122. He said that for suspension of the rules, a two-thirds vote was needed. He suggested that for an individual bill the two-thirds vote be changed to a simple majority. He felt that some bills were unfairly handled last term; Mike Meloy's bill on land use, in particular, didn't get a fair chance. By following this suggestion, the procedure could be changed without hurting time-wise. This would allow more adequate work to be done on some of the smaller bills.

Rep. Huennekens felt there were definately debits in the transmittal deadline system but that the Speaker could adequately handle any delays. He thought the committees should have adequate time to do the job right and that more floor time was needed. He felt that the dead time after the transmittal deadline could be used to handle the House bills right. After introduction, a few days extra would be helpful, particularly for freshmen representatives.

Rep. Barrett mentioned that the same problem was present two years ago. He felt that people need enough time to feel out the problems and possible bills. He thought a few days or a week, possibly, would be sufficient.

Rep. Driscoll said that all of these comments tied in with what he wanted to accomplish this session. He felt that the committees needed more time than the 18 days. He proposed that the deadline for committee bills be extended to 30 days.

Rep. Vincent thought it was time for the legislature to do something about the pressure cooker atmosphere. He felt that the "if there is no deadline, the session will go on forever" argument was invalid. He said the session might go on longer, but that that was the whole point. He felt that the legislators needed more time.

Rep. Kvaalen said that there was one deadline they were all forgetting and that was the 90 day session deadline. He felt there was a definite need for intermediate deadlines.

Rep. Vincent felt that the deadlines were bunched up at a couple of different times and that they should be spread out some.

Rep. Fagg suggested that when bills needed more time, under certain circumstances, they could be brought to the Rules Committee and an extension could be granted by the House leadership.

Rep. Teague felt that if a sponsor believes his bill needs more consideration, then the committee should decide if the bill warrants an extension of time.

Rep. Vincent felt he had a better compromise. He said an extension of the deadline should be formalized by the House, possibly to 20 and 25 days. If it were not formalized, the Rules Committee might end up handling a lot of bills. He felt that an agreeable extension might be grounds for agreement.

Rep. Huennekens thought that Rep. Kvaalen had made a relevant remark. He felt the committee chairmen could move the bills out by the 5th day and that the Speaker could function to see that this happens on all committees.

Rep. Vincent proposed that there be an 18 day drafting requirement and a 25 day deadline for introduction of bills.

Rep. Bardanouve mentioned that the Legislative Council works past the 18th day now.

Rep. Gunderson expressed concern about Joint Rule 8-8. He stated that he thought we were trying to open up the legislature to the public and that the rule limited people on having sets of introduced bills. He feels that the rule is an attempt to limit the circulation of bills in the state of Montana. In previous sessions, a representative was authorized to send five complete sets to constituents. He is opposed to limiting the sets of proceedings and feels this is contrary to keeping the citizens of Montana informed.

Rep. Huennekens agreed and wondered if the rule couldn't be phrased to include media units that are on sale to the general public. He felt that the word "newsstand" required interpretation.

Rep. Meloy stated that the Secretary of State is besieged with requests from various people and has asked the Speaker for guidance. The Secretary of State is having trouble answering requests for free copies. The rule needs to be interpreted as to what general circulation newspapers means. This particular definition only applies to papers. He suggested that the old definition could be included again.

Rep. Gunderson said it seems like the word "lobbyist" is a point of contention. Everyone assumes that lobbyists can afford to buy a copy of the proceedings.

Rep. Kvaalen then asked Rep. Gunderson what his definition of a general circulation newspaper was.

Rep. Gunderson said that he felt that the Farmers' Union newsletter was a general circulation newspaper.

Rep. Kvaalen then asked Rep. Gunderson if he thought that was a

generally accepted definition.

Rep. Gunderson replied that he looked up the codes and that it looks like we're trying to tighten down, that anyone who has a lobbyist has to pay \$200 for the bills.

Rep. Meloy stated that this is essentially what the rule says.

Rep. Marks wondered where the line was to be drawn and who was not included under this definition.

Rep. Kvaalen pointed out that it costs money to print free copies of the proceedings and that it was a matter of economics of the legislature.

Rep. Gunderson stated that the representatives used to be able to have free copies for their constituents.

Rep. Brand wondered if local libraries received a free copy.

Rep. Driscoll stated that all county clerks and recorders got them.

Rep. Brand wondered if the local libraries had to request them.

Rep. Driscoll stated that copies were not being sent out to libraries and newspapers.

Rep. Marks recalled that each legislator could assign mailings to various people but that the bills were worthless by the time they arrived by 4th class mail, and that they couldn't get there quick enough to be of use.

Rep. Gunderson questioned who was determining who is to get copies.

Rep. Driscoll stated that a list of all county clerks and recorders was obtained and that copies of bills were sent to them with instructions to inform all newspapers that they had copies of the bills available.

Rep. Gunderson mentioned that a fine point could be made about this issue by stating that the newspapers do have a lobbyist up here.

Rep. Meloy read from a memorandum dated January 13, 1975 which stated that press privileges would be granted to the Associated Press, United Press International, Great Falls Tribune, Lee Newspapers, radio and television stations and networks, and other daily and weekly newspapers of general interest and circulation, including student newspapers from institutions of higher education.

Rep. Moore suggested that the committee return to the subject of deadlines.

Rep. Meloy stated that four proposals had so far been made: (1) Removing the introduction deadline; (2) extending the introduction deadline; (3) Extending the introduction deadline for committee bills; (4) changing the transmittal deadline.

Rep. Moore moved that SJR No. 1 be concurred in as is.

Rep. Meloy asked if there was any more discussion to be had.

Rep. Driscoll moved that Joint Rule 6-7 be amended to include committee bills to be introduced by the 30th legislative day.

Rep. Marks wondered why the rules couldn't just be suspended as they had been before.

Rep. Driscoll said that a good reason for leaving a bill in committee longer would be that a three-fourths vote was necessary there from the people who had specific knowledge, whereas a two-thirds vote was needed from the House as a whole.

Rep. Fagg stated that if the committees were given more time, they might amalgamate a lot of little bills into one larger bill.

Rep. Moore said that there was an extra week now and that the 30th day deadline would give two weeks more besides.

Rep. Moore moved that Rep. Driscoll's motion be split. The motion was seconded and carried unanimously.

Rep. Meloy restated the motion to include committee bills along with revenue bills and appropriation bills on lines 17 and 18 of Joint Rule 6-7, page 22, and with revenue bills on page 23, line 2. The motion was seconded and carried unanimously.

Rep. Meloy then restated the original motion to change "twenty-fifth" to "thirtieth" on page 23, line 3, Joint Rule 6-7. A discussion followed.

Rep. Moore said that when bills go back to the Senate and the Senate doesn't concur, then there is going to be a hassle.

Rep. Kvaalen wondered what there was to prevent a committee from tabling a bill.

Rep. Bradley didn't see that there would be any problem in extending the introduction deadline. She felt that the new bill would easily make the transmittal deadline and that the extra time would be needed for preparation of the bill.

Rep. Marks felt that individual representatives would be upset about their own bills being included in a larger single bill.

A roll call vote was taken on the motion to change "twenty-fifth" to "thirtieth." Voting aye were Representatives Bardanouve, Bradley, Brand, Driscoll, Fagg, Kvaalen, and Meloy. Voting nay were Representatives Marks and Moore. The motion carried.

The committee next considered Joint Rule 8-8.

Rep. Brand moved that the definition of general circulation newspapers be stricken and the old wording put back in. Rep. Driscoll seconded this motion.

Rep. Gunderson felt that if newspapers were to be defined, then radio, TV, and other media must also be defined.

Rep. Moore felt that weekly newspapers were entitled to get copies of the proceedings.

Rep. Brand felt that that needed to be so stated.

Rep. Marks wondered if the committee could get information on this point together and then amend the rule on the floor.

Rep. Bradley thought it would be better if the Rules Committee did it now.

Rep. Meloy then read the definition as it had been used before. General circulation newspapers were defined to include "the Associated Press, United Press International, Great Falls Tribune, Lee Newspapers, and other daily and weekly newspapers of general interest and circulation, including student newspapers from institutions of higher education."

Rep. Moore proposed a substitute motion to delete "including student newspapers from institutions of higher education" from the motion.

Rep. Driscoll thought that the students needed a direct input from the legislators.

Rep. Moore felt that student newspapers were not general circulation newspapers.

Rep. Meloy thought that student newspapers could be defined by the Rules Committee to be general circulation newspapers.

A roll call vote was taken on Rep. Moore's substitute motion. Voting aye were Representatives Bardanouve, Kvaalen, Marks, and Moore. Voting nay were Representatives Bradley, Brand, Driscoll, Fagg, and Meloy. The substitute motion failed.

Rep. Moore then called for a vote on the question of including student newspapers. Voting aye were Representatives Bradley, Driscoll, Fagg, Kvaalen, Marks, and Meloy. Voting nay were Representatives Bardanouve, Brand, and Moore. The motion carried.

Rep. Marks felt that the clause in Section 43-903 regarding lobbyists should be included in that paragraph even though general circulation newspapers had been redefined.

Rep. Brand's motion was then voted on. Rep. Moore voted nay and all others voted aye. The motion carried.

Rep. Meloy called for a vote on the motion to adopt Senate Joint Resolution No. 1 as amended. Rep. Bardanouve voted nay and all others voted aye. The motion carried.

There being no further business, the meeting was adjourned at 3:50 P.M.



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Peter M. Meloy, Chairman