

MINUTES OF MEETING  
HOUSE RULES COMMITTEE  
MONTANA STATE LEGISLATURE

January 27, 1977

The meeting of the House Rules Committee was called to order by Rep. Meloy, Chairman, on the above date in Room 343 at 3:45 P.M.

Members of the committee present were:

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

Representative Bradley was absent.

Also present were Representatives Scully and Johnston.

HB 81 was discussed. The introduced version of the bill was a "repealer." It was amended in committee from "An Act to Repeal..." to an "Act to Amend...." The question came up as to whether the intent of the bill was changed. Rep. Scully was asked to explain.

Rep. Scully said that at the time of amending the bill, he never thought of the issue of changing the intent. His purpose, he stated, was to knock out the sanctions in the code for youthful offenders, and was intended to repeal a portion of the code and leave a portion. He explained that there was no new language inserted, so only a portion was being repealed.

Rep. Kvaalen read from the Constitution of the State of Montana, Article V, Section 11(1) where it states that "A law shall be passed by bill which shall not be so altered or amended on its passage through the legislature as to change its original purpose." He then stated that it was explicit in the Constitution that the purpose of a bill must be expressed in its title.

Rep. Scully stated that that was a problem with the entire bill structure, that the representatives didn't operate on an intent basis.

Rep. Moore remarked that the original purpose of HB 81 was to repeal all of a section.

Rep. Scully stated that his original intention was to take the criminal penalty out of the code. He said that the language stating that it was illegal to possess was left in; all that was taken out was the penalty.

Rep. Moore asked what it did if the whole section were repealed.

Rep. Scully replied that it repealed the prohibition against youthful possession of intoxicating substances. With the amendment to the bill, all that is repealed is the criminal penalty. He felt the youthful offenders were in need of supervision.

Rep. Marks asked if there had been a mistake in drafting.

Rep. Scully replied that if there had been a thorough check, they probably would have found out it was a mistake.

Rep. Moore asked how it was possible to amend an act which would repeal a section. He wondered if a committee bill were possible.

Rep. Scully thought that would be fine. He felt that more specific intent was needed.

Rep. Marks felt that the committee bill would be the solution. He said that this is an unusual situation and that perhaps only a half dozen bills during the whole session would be of this type.

Rep. Moore moved that HB 81 be returned to the Judiciary Committee from third reading, that it be tabled in committee, and that the committee prepare a report to properly take care of it.

Rep. Kvaalen thought the motion should be just to return it to the committee.

Rep. Bardanouve remarked that they couldn't tell the committee what to do.

Rep. Moore agreed and so amended his motion.

Rep. Meloy called for a vote. The motion carried unanimously.

Rep. Marks remarked that in the case of a bill which is strictly a repealer, the subject is implicitly expressed.

Rep. Meloy stated that the title doesn't say why the section is being repealed and that it should be so stated in the title. He felt that the title should be properly expressed when the bill is drafted.

HB 133 was then discussed. Rep. Meloy explained that the governor's office had submitted a group of amendments which essentially struck all of the content of the bill following the title. The problem, he felt, might be that this is a violation of the provision that the bill is not supposed to be amended or rewritten to change the original purpose.

Rep. Johnston said the bill was not quite the way he wanted it. He would like to see the director in charge of the department. That was his intent in having the bill drafted. He felt that the proposed amendments did away with the Fish and Game Commission and made of it a quasi-judicial body.

Rep. Fagg remarked that the amended bill was obviously not the same bill that George had.

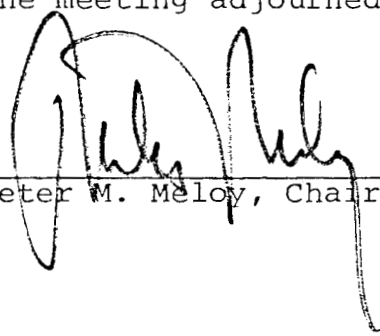
Rep. Meloy mentioned that Rep. Johnston had an additional request. He wants to make sure that the director is the head of the department.

Rep. Marks moved that the Rules Committee deem the proposed amendments not consistent with the title of the bill. The motion carried unanimously.

Rep. Meloy said that Rep. Johnston had a second request of the committee. He wanted to know if he could amend the bill to make the director the department head.

Rep. Driscoll moved the Rules Committee consider it an acceptable amendment. Rep. Kvaalen voted nay and all others voted aye. The motion carried.

There being no further business, the meeting adjourned at 3:00 P.M.



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Peter M. Meloy, Chairman