

MINUTES OF MEETING
HOUSE RULES COMMITTEE
MONTANA STATE LEGISLATURE

February 10, 1977

The meeting of the House Rules Committee was called to order by Rep. Meloy, Chairman, on the above date in Room 343 at 1:05 P.M.

Members of the committee present were:

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

Representative Brand was absent.

Also present was Rep. J. Gunderson.

Rep. Meloy stated that the Rules Committee had an amendment to HB 522 under consideration. This is a bill to make the gubernatorial campaign fund permanent. The amendment is to change the word "gubernatorial" to the word "permanent" on line 20 of the bill.

Rep. Moore stated that the title says: "A Bill For an Act Entitled: 'An Act Making the Gubernatorial Campaign Fund Permanent and Providing a Short Title for Title 23, Chapter 49, R.C.M. 1947.'"

Rep. Bardanouve said he thought that what the title says is final.

Rep. Driscoll said that it doesn't hurt the essence of the bill for the title to say gubernatorial campaign fund. He explained that the problem was that when the bill was drafted it should have been called the public or general campaign fund.

Rep. Bardanouve wondered if gubernatorial couldn't just be changed to something else.

Rep. Driscoll said that he tried to have it changed to permanent.

Rep. Meloy stated that the question was whether or not an amendment which would change the name of the campaign fund is within the scope of the title.

Rep. Marks said that the issue was deeper than we realized. The bill would be in effect until July 1, 1977 and earmarks a fund for the governor's campaign.

Rep. Driscoll said that the legislature could change that to two years from now. He said that he had no intention of allowing the fund to be only for the use of the governor.

Rep. Kvaalen said that's the basis on which people would be paying income tax.

Rep. Moore remarked that every checkoff would go into this fund.

Rep. Meloy said that the question was whether the amendment was permissible within the scope of the title.

Rep. Bradley moved that the amendment be deemed within the scope of the title. She said that the title specifically says that the act makes the gubernatorial campaign fund permanent.

Rep. Bardanouve said he would have to vote with Rep. Driscoll on his amendment. He felt the title should have said: "Creating and making permanent the gubernatorial campaign fund."

Rep. Marks said that if the amendment had put the word permanent between the words gubernatorial and campaign, then it would be okay.

Rep. Bardanouve said that if this wasn't a partisan issue, the bill should be referred back to committee.

Rep. Marks felt that it should be changed to public campaign fund.

Rep. Kvaalen felt it was not a partisan issue.

Rep. Moore remarked that he would be more in favor of it if it's kept as the gubernatorial campaign fund rather than if it's for everyone.

Rep. Fagg said he felt that the more money put into this campaign fund, the better it was for the Republicans anyhow.

Rep. Bardanouve said that he didn't think it had any political connotation.

Rep. Driscoll said he had made a suggestion to the State Administration committee that they make it a committee bill.

Rep. Moore moved that HB 522 be sent back to the State Administration committee.

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

A vote was then taken on Rep. Moore's motion. Representatives Bardanouve, Bradley, Driscoll, Fagg, Kvaalen, and Meloy voted aye and Representatives Marks and Moore voted nay. The motion carried.

Rep. Fagg asked what would happen if the bill weren't sent back to committee.

Rep. Meloy replied that the amendment would be reported out of order and the bill would be back on second reading as it is.

Rep. Driscoll said there is a problem in that there will be lots of money in the fund if a great number of people use the checkoff system.

Rep. Moore suggested that the fund be cut off at a certain point.

Rep. Bradley felt that the bill should be in correct form before it was voted on or debate was held on it.

Rep. Moore wondered why the sponsor couldn't move that the bill be re-referred to State Administration.

Rep. Meloy said the bill could be left in the Rules Committee, a report that the amendment was out of order could be made, and then a committee bill could be made from here.

Rep. Moore moved that the bill be left in the Rules Committee and a committee bill prepared.

A vote was taken and the motion carried unanimously.

Rep. Jack Gunderson asked the committee for its opinion regarding HB 344. He would like to change the title of the bill and anticipates a problem with possibly changing the intent of the bill. He said he was trying to lay the groundwork with this bill for full legislation, and that he would try to get a committee bill put in if the Rules Committee thinks his change is not within the scope of the title.

Rep. Moore felt that in the light of the precedents set by the Rules Committee on other bills, that it would not be within the scope of the title.

Rep. Fagg felt that the intent would be changed and that the change would be beyond the scope of the title.

Rep. Driscoll felt that it was hard to get a handle on what the scope of the title was. It seems the title is very severe. The proposed change would seem to be within the scope, however.

Rep. Moore thought it was a converse situation, prohibitions versus requirements.

Rep. Meloy felt there was a broad prohibition in the title and that the amendment narrowed down the effects and made it something less than the title. It didn't go beyond the scope as it narrowed it down instead.

Rep. Bradley felt that the situation looked similar to a "repealer" and should be handled the same way.

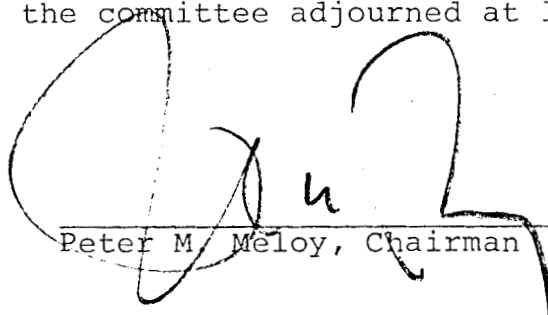
Rep. Bardanouve thought it should be handled through a committee bill.

Rep. Driscoll thought he would be well within his rights to stick in a registration clause.

Rep. Moore felt that he should try for a committee bill.

Rep. Meloy suggested that Rep. Gunderson try for a committee bill and let the Rules Committee know what happened, that he was only asking for an advisory opinion and no motion needed to be made concerning this matter.

There being no further business, the committee adjourned at 1:35 P.M.



Peter M. Meloy, Chairman