

STANDING COMMITTEE REPORT

February 18

19 77

MR. Speaker

We, your committee on RULES

having had under consideration HOUSE Bill No. 297

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE LEGISLATURE SHALL MEET IN ANNUAL SESSIONS."

Respectfully report as follows: That HOUSE Bill No. 297

DO PASS

MINUTES OF MEETING
HOUSE RULES COMMITTEE
MONTANA STATE LEGISLATURE

February 18, 1977

The meeting of the House Rules Committee was called to order by Rep. Meloy, Chairman, on the above date in Room 343 at 12:10 P.M.

Members of the committee present were:

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

Rep. Kvaalen was present at 12:30 P.M.

Also present were Representative Burnett and Mr. Bill Hansen of United Press International.

House Resolution 2 was to be discussed.

Rep. Burnett said he felt this was really an effort in futility but that he felt very strongly about it. When you can see the vote on the board, this causes many legislators to switch. There is no doubt that this has influence on other legislators. He said his big concern is that the individual legislators are denying their constituents their knowledge of the issues involved.

Rep. Moore asked what the exact mechanics of it were and how it was proposed that the votes be displayed.

Rep. Burnett said the board would be blacked out and that the legislator could see by his button how he had voted.

Rep. Moore asked if this would preclude a change of vote.

Rep. Meloy asked if the vote would appear when the clerk records it.

Rep. Burnett replied in the affirmative. He suggested that they might try an experiment with this in an effort to better the legislative process.

The hearing on House Resolution 2 was then closed.

Rep. Bradley moved that House Resolution 2 do not pass.

Rep. Moore stated that he kind of liked the idea and suggested that they try an experiment.

Rep. Moore said he felt that the legislators should vote their own convictions.

Rep. Meloy said that the House comes unglued when the board accidentally doesn't display the vote. He felt it was an oversimplification to say that everyone uses his own judgment. People are persuaded by argument on the floor and other things.

Rep. Meloy said that sometimes they don't know enough about the bill and mentioned that some people watch how certain people vote in order to vote the other way.

Rep. Marks said he would like to try it for a while.

Rep. Fagg suggested the House membership vote on it.

Rep. Bardanouve said that he thought all members tried to understand everything that was going on but that that was impossible. You can't even pretend to be able to know about all the bills. He said he depended on the committee report and on people he trusted to know how to vote. He relies on the committee system.

Rep. Moore made a substitute motion that House Resolution 2 do pass.

Rep. Fagg said that the bill would probably die on the floor but that it should have a chance.

Rep. Brand mentioned that it didn't really restrict people because they can still see the buttons.

Rep. Meloy said that you wouldn't know whether or not you were being recorded because the light wouldn't come on.

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

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

Rep. Meloy stated that the Senate had adopted two new rule changes and that it would take joint action to have them confirmed. The Senate has temporarily suspended the rules to permit the receipt of House Bill 122 until the 50th day. The two new rule changes are: (1) that transmittal is deemed to have been made on the last day if the bill has passed third reading; (2) that the transmittal deadline for amendments to bills is extended from the 55th to the

80th day. That would only give the House ten days to act on amendments to House bills.

Rep. Marks said that he thought we would have considered most of them by then anyway.

Rep. Meloy said that if we wanted to save five days for November, that would only give us five days to consider the amendments.

Rep. Moore asked how many total bills there were now.

Rep. Meloy replied there were about 820 bills plus 84 resolutions.

Rep. Marks said he didn't think there would be over about 150 amended by the Senate.

Rep. Brand asked if any of the committees were having problems getting bills out.

Rep. Driscoll replied that Appropriations and Taxation had a backlog but that there was some buffer there. He said that last session at this time there were 285 bills left in committee and that this session there were 407. There is still a backlog of bills which have been heard and are ready to come out of committee. He said we would really push to make the 48th day transmittal date, whereas last session we had to push to make a transmittal date of a week later.

Rep. Meloy said that the committee should decide the position that the House should take on the transmittal deadline.

Rep. Driscoll mentioned that three committees, Natural Resources, Local Government, and Business and Industry, had asked for another week.

Rep. Meloy said that a six day extension would be Saturday of next week.

Rep. Driscoll said he worried about the Senate being able to handle all of those bills.

Rep. Kvaalen said that a special session might be needed.

Rep. Moore said that the Appropriations and Finance and Claims hearings could be combined.

Rep. Driscoll said there were a lot of energy bills left in the Natural Resources committee.

Rep. Meloy stated there were six bills that he knew of that were going to be combined into one.

Rep. Driscoll stated that he thought we should ask for the same exemption for the Natural Resource package as for the Local Government one.

Rep. Bardanouve asked what the problem in the Senate was.

Rep. Meloy didn't think there was any cohesive view in the Senate about it.

Rep. Driscoll felt that the House needed until at least the 48th day.

Rep. Marks asked if we should amend joint rule 6-34 to require changing the deadline to the 50th day.

Rep. Meloy stated that then we would have to transmit all bills by that date.

Rep. Driscoll said it could be changed to the 50th day for all bills except revenue and appropriation bills. Senator Mathers had suggested the 62nd day for revenue bills and Rep. Driscoll thought that would be necessary for both revenue and local government. He felt that two or three days would be needed for hearing House Bill 122. He moved that the transmittal deadline on all bills be extended to the 50th day, to the 55th for House Bill 122, to the 62nd for revenue bills, to the 72nd for appropriation bills, and to the 80th day for amendments.

Rep. Meloy felt that the Senate would not want the appropriation bills on the 72nd day, that they would want them sooner than that.

Rep. Driscoll said that they must be put in priority.

Rep. Meloy felt that the transmittal date for revenue and appropriation bills should be the same.

Rep. Bardanouve said that some subcommittees hadn't finalized anything yet. He felt that things would fall together after the hearings were finished. After the subcommittee work is done, then there will be hearings every night and it will begin to move fast.

Rep. Driscoll's motion was then voted on and it carried unanimously.

Rep. Moore then moved that any bill placed in the Appropriations Committee which has a negative fiscal impact be deemed an appropriation bill for the purpose of the transmittal deadline. The motion carried unanimously.

House Bill 373 had been referred to the Rules Committee for a ruling of whether the amendments were within the scope of the title.

Rep. Marks explained that this was a bill he had put together to change the date of aircraft registration. He mentioned that the blue book comes out January 22nd and registration must be accomplished by February 1st. He wanted it changed to March 1st. There were two things which happened independently of each other. Rep. Fagg thought this bill was another bill. The bill was scheduled for hearing in the Local Government committee. Rep. Marks was unable to attend this hearing because of a conflict and so Rep. Fagg went up. When Rep. Marks got there, the aeronautics people were amending the bill. Rep. Marks asked them why they were amending his bill. Rep. Fagg said that it wasn't Rep. Marks' bill, it was his bill. Rep. Fagg had thrown the other bill away.

Rep. Fagg moved that the amendments be deemed within the scope of the title.

Rep. Moore asked if it would cost more money?

Rep. Fagg replied in the negative.

A vote was taken and the motion carried unanimously.

Rep. Bradley moved to reconsider the action taken on the annual sessions bills. She thought they had picked the wrong bill, that another bill would get more votes and that they should try the bill that would get the most votes first.

Rep. Moore said that the bill could be amended on the floor to be the same as House Bill 223.

Rep. Fagg thought that House Bill 297 was the purest and the best. He thought it better to give them something weak and then amend out the weaknesses.

Rep. Meloy stated that there was nothing wrong with sending House Bill 297 out and then sending House Bill 223 out to let the House see another bill.

Rep. Moore suggested that they hold House Bill 223 and see what House Bill 297 pick up.

Rep. Fagg said it was a psychological move in giving the House a harder bill and letting them amend provisions out.

Rep. Bradley then withdrew her motion.

Rep. Marks remarked that no matter which bill was sent out, there would be attempts to amend it anyway.

Rep. Driscoll said that it had come to his attention that Rep. Burnett was involved in a campaign for the Red Lodge City-County Airport Board. A letter from a Mr. Cate indicated to him that there might be some problem with conflict of interest. Rep. Driscoll wrote to the county attorney there, Mr. Ayers. He wrote back quite an opinion that indicated that he felt there was definitely a conflict between a person serving on the airport board and in the legislature. Mr. Ayers wanted Rep. Driscoll to take some kind of action. Rep. Driscoll said he, as a legislator, was inclined to ignore the request. He didn't feel he was qualified to pass on the qualifications of other legislators. He asked for the advice of the Rules Committee.

Rep. Meloy said it was not a question of conflict but was, rather, a question of whether Article V, Section 9, of the Constitution was being violated. This is a specific provision designed to keep a person from holding two offices at the same time. He said the key word was "office." He stated there were some precedents for this. For example, the State ex rel Varney v. Negre case. An "office" is something in which the person who holds it, holds a certain part of the state's sovereignty. This includes an awful lot of boards and bureaus whose decisions are not reviewable by anyone. Strictly speaking, Rep. Burnett should not be holding both offices. There are many other kinds of civil offices, such as school boards, conservation districts, of which legislators are members. There possibly would be forty different legislators who should not be holding both offices.

Rep. Driscoll said that Mr. Cate had asked for his opinion and that Mr. Ayers had asked for an opinion from the Attorney General.

Rep. Meloy said that what was directly before the committee was the request that Rep. Driscoll take action.

Rep. Driscoll wondered if it was up to us to decide if Rep. Burnett is qualified to hold office.

Rep. Meloy said it was up to the Attorney General to bring suit.

Rep. Marks asked if Rep. Driscoll were precluded from bringing suit?

Rep. Meloy replied in the affirmative.

Rep. Bardonoue wondered what would happen if the request were just ignored.

Rep. Marks said there were lots of good people on those boards. He wondered if it would be appropriate to put in a bill for a constitutional amendment.

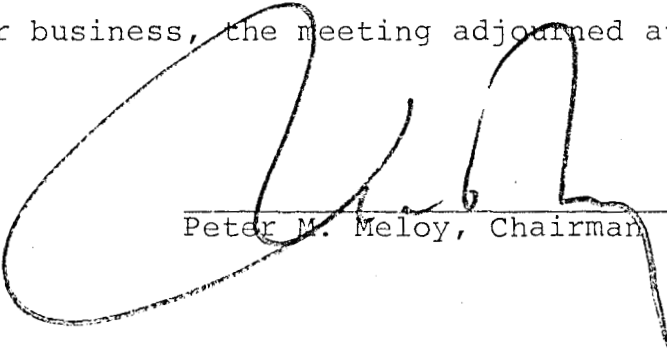
Rep. Meloy said these cases were all cited under old constitutional provisions and that the situation bears looking at in terms of new constitutional provisions.

Rep. Kvaalen wondered how many people were actually involved in this.

Rep. Marks thought there were possibly forty. He said that rural people had lots of obligations and wore many different hats.

Rep. Driscoll said that as long as an opinion had already been requested, that it should be left at that.

There being no further business, the meeting adjourned at 1:15 P.M.



Peter M. Meloy, Chairman

STANDING COMMITTEE REPORT

February 18

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MR. Speaker

PUBS

We, your committee on

having had under consideration HOUSE RESOLUTION NO. 2 Bill No. 1

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA
REQUIRING THAT THE VOTING BOARD IN THE HOUSE OF REPRESENTATIVES BE
ADJUSTED SO THAT THE YES OR NO VOTE OF INDIVIDUAL REPRESENTATIVES
IS NOT INDICATED UNTIL AFTER THE TOTAL VOTE IS TALLIED AND DISPLAYED.

Respectfully report as follows: That HOUSE RESOLUTION NO. 2 Bill No. 1

DO NOT PASS

DO PASS

STANDING COMMITTEE REPORT

February 16 19 77

MR. Speaker

We, your committee on

having had under consideration Bill No. 373

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE DATE FOR RENEWING AIRCRAFT REGISTRATION; AMENDING SECTIONS 1-325 AND 84-4218, R.C.M. 1947."

Respectfully report as follows: That Bill No. 373

the amendments proposed by the Highways and Transportation Committee be permitted as being within the scope of the title.

DO PASS.
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