

MINUTES OF MEETING
HOUSE RULES COMMITTEE
MONTANA STATE LEGISLATURE

February 24, 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. Fagg	Rep. Meloy
Rep. Brand	Rep. Kvaalen	
Rep. Driscoll	Rep. Marks	

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

Rep. Moore was absent.

Also present were Joy Bruck and Margaret Davis of the League of Women Voters, and Mr. William Hansen of United Press International.

House Bill 808 was before the committee for executive action.

Ms. Margaret Davis of the League of Women Voters expressed the support of the League for House Bill 808.

Rep. Driscoll moved that House Bill 808 do pass.

Rep. Meloy explained that the bill changed the name of the campaign fund from "gubernatorial" to "public."

A vote was taken. Representatives Bardanouve, Brand, Driscoll, Fagg, Kvaalen, and Meloy voted aye and Representative Marks voted nay. The motion carried.

House Bill 796, sponsored by Rep. Fagg, was before the committee for hearing.

Rep. Fagg explained that it had become apparent to him that an annual sessions bill didn't have much chance in this session. He said that if we're going to have a good solid legislature, then oversight committees were needed. He said that what he had done in this bill was to divide all the committees in half and give them interim functions. The Senate and House committees would then meet together once a month. Each committee would determine its own budget and schedule. The basic standing committees would continue to be in existence, they would be renamed so the Senate and House committees would be the same, and each committee would have the oversight of certain departments. This was one method of working with the executive branch and the departments. He said that this proposal was supported by the Montana Chamber of Commerce.

He then read from a prepared statement. This is attached as Appendix A.

Rep. Meloy asked if there were any proponents or opponents to the bill. There were none.

Rep. Fagg said he had talked with Rosie Weber and that the funding for the interim committees would be in the neighborhood of \$7-800,000.

Rep. Brand asked whether monthly meetings would have to be approved by the Legislative Council.

Rep. Fagg said no.

Rep. Brand asked if he really thought they should have regular monthly meetings.

Rep. Fagg said it was a possibility.

Rep. Bardanouve asked if there were going to be more committees than presently existed.

Rep. Fagg said no, there were 16 now and 16 with his bill.

Rep. Meloy said he couldn't find a committee on community affairs.

Rep. Fagg said there was a similar one with a different name.

Rep. Bardanouve said one of the biggest bureaus of all had been left out: education.

Rep. Kvaalen asked just what these committees could do.

Rep. Fagg said they could do the same thing as now: oversight. Under this type of a program, the people could contact the oversight committee and inform them of any problems.

Rep. Bardanouve said he perceived some basic evils in that it would be too much like the federal government, that pretty soon the committee would become the spokesman for the legislature and would rubber-stamp everything. He felt the committee would become a mouthpiece for the departments of state government and would begin to think like the departments. He said that the concept of interim committees was fine but he feared that eventually the committees would align with the departments and the departments would realize this and try to manipulate the committees.

Rep. Fagg said that this could happen if it were carried to extremes.

Rep. Fagg stated that if the committees could work on a full-time basis, they might know what was going on.

Rep. Driscoll asked if the duties of the committees would be to repeal administrative procedures sections of the code. He wondered what the ramification of that would be, that is, having a bunch of little committees taking the place of the one code committee.

Rep. Meloy said that the thing he saw in the bill was that a person could be a member of only one committee. He thought the Senate would have such small committees that there would be practically no input for the interim committees.

Rep. Fagg said that that may have to be waived for the Senate.

Rep. Meloy said that there is a consistency that flows from the administrative code committee's function as a central policy-making body.

Rep. Fagg remarked that the Legislative Council worked with all of the committees.

Rep. Driscoll stated that the code committee could be kept by amending the bill.

Rep. Marks said there was unrest among the legislators who did not have an opportunity to serve on interim committees, and that this would solve that problem. Although it would cost a lot, the study committee expenses would be offset.

Rep. Meloy asked why we couldn't do this within the existing structure.

Rep. Driscoll said there would be amendments to about eight existing statutes that wouldn't be accomplished by changing the rules.

Rep. Fagg said he thought that having committee meetings on a monthly basis would be a lot more logical.

Rep. Meloy stated that the interim committees were not now performing oversight functions.

Rep. Bardanouve asked what would happen, for example, to Rep. Brand under this new heirarchy.

Rep. Fagg said he would probably be the chairman or vice-chairman of the new committee entitled "State Lands and Administration." One-half of the House committee would serve with him for the interim.

Rep. Driscoll said he would support this concept in bill form or in resolution form, that he didn't like the way the last interim was handled.

Rep. Fagg moved that House Bill 796 do pass.

Rep. Bardanouve said that the House had a right to have a fiscal note prepared on this bill.

Rep. Marks said there was one being prepared.

Rep. Driscoll felt that more input was needed from the Rules Committee.

Rep. Fagg said that it could be made a committee bill.

Rep. Driscoll said there were some things he would change. He didn't think there should be a committee on Institutions, and he thought that State Lands should be under Natural Resources.

Rep. Fagg agreed with Rep. Driscoll.

Rep. Bradley asked if we could decide on the concept first, then decide on whether it should be a bill or a resolution.

Rep. Meloy thought it was too inflexible, that it could be done in the Joint Rules Committee. He said that the Legislative Council is going to have to hire staff and request studies and that the committees were going to need staff help. He felt the concept was too inflexible, that it was locked into the statutes. It would be next to impossible to change the name of a committee, or add a new department, and so forth.

Rep. Driscoll made a substitute motion that the House Rules Committee take steps to adopt the essence of the concept and present it to the Joint Rules Committee.

Rep. Bardanouve wondered if this would give the Fiscal Analyst a fairer chance. He felt there wouldn't be enough input from the legislature if this route were taken.

Rep. Meloy didn't think that was true. If the House decides to adopt, or refuse, it could be done by placing it on second reading from the committee report.

Rep. Bradley said that it could be held in committee, that it would be an appropriations bill with no transmittal deadline.

Rep. Bardanouve asked if it was for both houses.

Rep. Fagg answered yes.

Rep. Bardanouve asked if one house could adopt this without the other house doing it.

Rep. Meloy replied that it could, except for the money involved.

Rep. Kvaalen asked if the substitute motion could include tabling the bill.

Rep. Bardanouve asked if the committees would be meeting separately.

Rep. Fagg replied that they would meet jointly. It would be 50% of each committee from each house.

A vote was taken on Rep. Driscoll's substitute motion and it was carried unanimously.

House Joint Resolution 87 was discussed next.

Rep. Fagg explained that he thought we needed a definition for "vote." This resolution describes what a vote is.

Rep. Kvaalen read from HJR 87 that "A vote is considered to be a vote against a measure if it is cast in such a manner as to eliminate the possibility of debate or further consideration of the bill or resolution." He then asked if a vote on a previous question would be considered a vote.

Rep. Bardanouve asked what the resolution would do.

Rep. Fagg said it was for clarification. He said there was argument as to what constituted a vote during the censure hearings.

Rep. Bardanouve said that he supported the committee system in the House and oftentimes didn't vote his personal feelings. He felt that it was important to sustain the committee system.

Rep. Meloy said he had a suggestion. He wondered if we could say a vote was what was printed in the journal from third reading.

Rep. Fagg said he didn't care what it was, that we just needed the word vote defined.

Rep. Meloy said there were no references to it in the Corrupt Practices Act, so there was nothing to which the definition could apply.

Rep. Bradley said she didn't think it could be done. There are a lot of measures that don't get to third reading. Just defining a vote doesn't cover all of the problems and situations. She felt that when citizens' groups were putting together information, they were just going to have to get more sophisticated about it.

Rep. Bardanouye said that the key vote on a bill may be the vote on the amendments to the bill. That vote may show your true position on the bill. A person could vote for the bill on third but against the amendments to the bill, which, in essence, would kill the bill.

Rep. Fagg moved that HJR 87 do pass.

Rep. Marks said that to him the third reading vote was meaningless. This was an attempt to say what is fact.

Rep. Bardanouye thought that was almost impossible. He said you can make a person look like an angel or a devil on one bill.

He said he could make himself anything, a liberal, a conservative, or anything.

Rep. Marks said that was right, you could take any side.

Rep. Fagg said they must decide if there was more good than harm in this. He asked if it was more help than harm.

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

Rep. Bardanouye then moved that HJR 87 do not pass.

A vote was taken. Voting aye were Bardanouye, Bradley, Brand, Driscoll, and Meloy. Voting nay were Fagg, Kvaalen, and Marks. The motion carried.

House Joint Resolution 25 had been referred to the Rules Committee for determination of whether amendments were within the scope of the title.

Rep. Driscoll stated that the amendment by Rep. Ramirez changes the word "repeal" to "review."

Rep. Meloy stated that the "Now Therefore Be It Resolved" clause was being amended, and the "Whereas's" were referred to.

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

Rep. Kvaalen asked if only the title were being amended.

Rep. Meloy said yes, and only the last part of the resolution, the Now Therefore Be It Resolved clause.

Rep. Marks stated that the Whereas's were only references, that the Now Therefore part was where the important part was.

A vote was taken. Voting aye were Representatives Bradley, Brand, Driscoll, Fagg, Kvaalen, Marks, and Meloy. Rep. Bardanouye abstained from voting. The motion carried.

House Bill 534 was before the committee for determination of whether it should be placed in the Appropriations Committee.

Rep. Marks stated that the bill would have a negative impact on spending.

Rep. Brand said that two fiscal notes had been prepared. One of them said there was no fiscal impact. He thinks the budget department doesn't want to make a positive statement.

Rep. Marks said he thought it would have a fiscal impact and he would disagree with the fiscal note that said it had none.

Rep. Driscoll said he thought there was a major fiscal impact and that it would be reviewed from the fiscal point of view. This was now considered a serious piece of legislation. He thought it should be sent to the Appropriations Committee.

Rep. Meloy said that if the Appropriations Committee determined there was no fiscal impact, then it would have to come out.

Rep. Driscoll thought we should assume it did have a fiscal impact.

Rep. Meloy thought it would have a negative one.

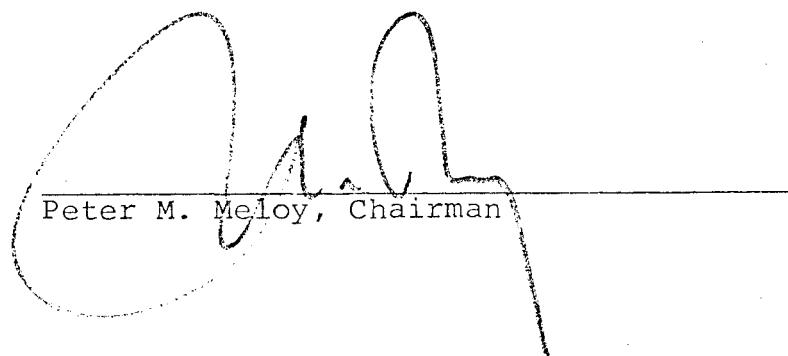
Rep. Brand said he just wanted to know that it's not going to be killed.

Rep. Fagg mentioned that the Senate said they would accept bills if they had a negative fiscal impact.

Rep. Driscoll said there was a savings, therefore an impact, and it should go to Appropriations. He then moved that House Bill 534 be moved back to the floor of the House.

A vote was taken. Rep. Bardanouye abstained and all others voted aye. The motion carried.

There being no further business, the meeting adjourned at 1:00 P.M.



Peter M. Meloy, Chairman

NAME TOM WINSOR Bill No. HB 796

ADDRESS 110 NEILL AVE., HILINA DATE 2-24-77

WHOM DO YOU REPRESENT MONTANA CHAMBER OF COMMERCE

SUPPORT XXXXXXX OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

IN OUR EXPERIENCE, THE GENERAL PUBLIC ASSUMES THAT LEGISLATIVE INTERIM COMMITTEES HAVE OVERSIGHT AUTHORITY. AS A CONSEQUENCE, IT IS A POSSIBILITY THAT PART OF THE PUBLIC DISTRUST OF THE LEGISLATURE IS DUE TO THEIR FEELING THAT THE LEGISLATURE SHOULD HAVE A BETTER HANDLE ON WHATS HAPPENING.

WE CONSIDER THIS ADDITION OF OVERSIGHT AUTHORITY AN EXCELLENT STEP TO IMPROVE LEGISLATIVE EFFICIENCY. AND, WE CONSIDER STEPS SUCH AS THESE TO BE COMPATABLE WITH OUR MEMBERS DESIRES TO CONTINUE A CITIZEN LEGISLATURE.

WE RESPECTFULLY REQUEST A DO PASS MOTION ON THIS BILL.

STANDING COMMITTEE REPORT

JANUARY 24

77

19

Speaker

MR.

RECD. 6

We, your committee on

HOUSE

808

Bill No.

having had under consideration
A BILL FOR AN ACT RELATING TO THE ACT MAKING THE ELECTION CAMPAIGN FUND
UNIFORM AND ENCOMPASSING VARIOUS TITLE FOR CHAPTER 40 OF TITLE 23,
R.C.M. 1947; AMENDING SECTION 23-4901 and 23-4904, R.C.M. 1947; AND
REPEALING SECTION 7, CHAPTER 263, LAWS OF 1974."

HOUSE

808

Bill No.

Respectfully report as follows: That.....

DO PASS

STANDING COMMITTEE REPORT

February 24

19 77

MR. Speaker

PETITION

We, your committee on

House Joint Resolution No. 67

having had under consideration

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
THE STATE OF MONTANA TO AMEND THE JOINT RULES OF THE 45th LEGISLATURE
BY PROVIDING A NEW SECTION ON THE MEANING OF A VOTE.

Respectfully report as follows: That House Joint Resolution No. 67

DO NOT PASS

DO NOT PASS

STANDING COMMITTEE REPORT

February 24 19 77

Speaker
MR.

RULES

We, your committee on.....

having had under consideration House Joint Resolution No. 25 Bill No.

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO REPEAL OSIA AND DIRECTING THE MONTANA ATTORNEY GENERAL TO BRING AN ACTION TO DECLARE OSIA UNCONSTITUTIONAL.

Respectfully report as follows: That.....; Bill No:.....

the amendments to House Joint Resolution No. 25 are within the scope of the title.

DYKES

STANDING COMMITTEE REPORT

February 24, 1977

MR. Speaker

We, your committee on ~~ESTATE~~ ~~ESTATE~~ having had under consideration

HOUSE ~~ESTATE~~ ~~ESTATE~~ Bill No. ~~SE~~ 534
A BILL FOR AN ACT AMENDING: "AN ACT ABOLISHING THE DEPARTMENT OF
REHABILITATION; TRANSFERRING THE FUNCTIONS OF THIS DEPARTMENT TO THE
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; TRANSFERRING THE
BOARD OF DISCIPLINARIES, BOARD OF PAROONS, AND BOARD OF HUMANICS TO THE
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; AMENDING SECTIONS
80-1402, 80-1407.1, 80-2709, 82A-1901.1, 95-2218, 95-3205, 95-3301,
AND 95-3302.1, R.C.M. 1947; RENUMBERING AND AMENDING SECTION 82A-805,
R.C.M. 1947; RENUMBERING SECTION 82A-804 AND 82A-806, R.C.M. 1947;
AND RENUMBERING SECTION 82A-801 AND 82A-801.1, R.C.M. 1947."

Respectfully report as follows: That ~~ESTATE~~ ~~ESTATE~~ HOUSE ~~ESTATE~~ ~~ESTATE~~ Bill No. ~~SE~~ 534

does not decrease revenues and therefore may be placed on third
reading.

DO PASS