

## EXECUTIVE SESSION ONLY

Chairman Brand called the meeting to order at 9:00 a.m., roll call was taken, with Bardanouve being absent.

SB 120-Dick Hargesheimer passed out amendments which had been agreed upon by Senator Story and Bob Lohn. "The first two amend the title, then everything after the enacting clause has been stricken. The legislative poll has no weight unless it is used in court. The poll cannot change the rule. What this does is change the bill considerably as far as the authority of the legislature."

LIEN-What if they only had 10 responses, and 8 of them were against it? DICK-You have to have the majority of members of both houses. MULAR-There might be 15 - 20 people sitting in committee knowing what the intent is, and then the code committee - which wouldn't know the original intent - being able to change things. Shouldn't we maybe mandate that some percentage of the two houses agree? TURNER-There was something in a couple of sessions ago - a rule that the Secretary of State had to write a paragraph about the intent of the bill. MULAR-We are giving the Administrative Code Committee the inherent power to poll us. TOWER-This would give them some leverage in court. MULAR-Most of the challenges have been instituted by the code committee. LIEN-I feel the code committee is the strongest body as far as rules. MULAR-If there were 40 protests in both houses to any rule, it would mandate a poll. BRAND-But I don't ever know that these things have been done until I read about it in the paper.

Feda moved to adopt the amendments, motion carried. Robbins moved to send the bill out AS AMENDED BE CONCURRED IN, the motion was carried unanimously. Tower will carry the bill on the floor.

SB 162-Brand read the amendments, Meyer moved the amendments, motion carried unanimously. Feda moved the bill AS AMENDED BE CONCURRED IN, motion carried unanimously. Feda will carry on the floor.

SB 265-Turner moved the bill BE CONCURRED IN, motion carried unanimously. Turner will carry the bill on the floor.

SB 336-Brand read the amendments, and a letter from Larry Nachtsheim concerning the bill. Mular moved the amendments, motion carried unanimously. Feda moved the bill AS AMENDED BE CONCURRED IN, motion carried unanimously. Mular will carry on the floor.

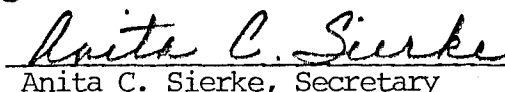
SB 401-Feda moved NOT BE CONCURRED IN. Brand asked that the amendments be put in in committee, whether the bill went out do pass or not. Mular moved the amendments by the firefighters be put into the bill. (see attachment #2) SAMPSON-The only place that building codes will be reviewed is the Department of Administration. HANSON-I disagree. This does do as Al said as far as state level, but if there is a conflict, the Fire Marshal can still promulgate his own regulations. MULAR-Does the breach come on the lower levels? HANSON-Yes and no - because cities, the state and the Fire Marshal can still promulgate rules. FEDA-Don't federal laws come into this too? LIEN-If your amendments are accepted, can you kill the bill? (ha-ha-ha-ha-ha) Mular moved the amendments, the motion carried with Lien and Kropp voting no. Robbins presented another amendment from the Helena City Manager (see attachment #3), and moved that the amendment be accepted, motion carried with O'Connell voting no. Feda moved the bill NOT BE CONCURRED IN, Mular made a substitute motion that the bill go out AS AMENDED BE CONCURRED IN, motion failed on a roll call vote 6 - 8 with Brand, Kanduch, Ryan, Feda, Kropp, Smith, Tower, and Turner voting no. Feda moved

the bill AS AMENDED NOT BE CONCURRED IN, a motion to reverse the roll call was carried, and the motion passed.

SB 440-Robbins moved to include the proposed amendments by the AG and Senator Fasbender be included, O'Connell proposed a substitute motion that the amendments not be adopted, the substitute motion carried with Robbins and Mular voting no. O'Connell moved the bill NOT BE CONCURRED IN, the motion carried with Robbins and Mular voting no.

MEETING ADJOURNED - 9:45 a.m.

  
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Joe Brand, Chairman

  
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Anita C. Sierke, Secretary