

MINUTES OF MEETING
HOUSE RULES COMMITTEE
MONTANA STATE LEGISLATURE

April 12, 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:

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

Representative Brand was absent.

Representative Gerke attended at 12:30 P.M. and Representative Scully at 12:45 P.M.

House Joint Resolution 104 was before the committee for consideration.

Rep. Fagg, the sponsor of the bill, explained that House Bill 796, which had been tabled in the Rules Committee, set up an interim study committee. HJR 104 simply requests that the concept contained in HB 796 be studied in the interim. He hoped that the Joint Rules Committee could put this bill and HJR 85 together. The purpose would be to study what could be done in the interim.

Rep. Moore stated that he had suggested that HJR 85 be put in the legislative finance committee.

Rep. Meloy said that previously there has been an interim Joint Rules Committee which discussed changes in the rules. This could possibly be put in that committee.

Rep. Driscoll said he had talked with some people from the Legislative Leaders' Foundation and had asked them if they could come up to Montana and assist with this type of thing.

Rep. Fagg moved that HJR 104 do pass.

A vote was taken and the motion carried unanimously.

Senate Bill 166 had been referred to the Rules Committee because it was sent to the House after the transmittal deadline.

Rep. Meloy explained that the rules would have to be suspended to accept the bill.

Rep. Bradley moved that Senate Bill 166 be accepted.

Rep. Moore made a substitute motion that Senate Bill 166 not be accepted.

Rep. Driscoll asked why it was in the Rules Committee.

Rep. Meloy answered that it was transmitted past the deadline.

Rep. Moore thought it should be put in the appropriate standing committee.

Rep. Driscoll asked if any previous late bills had been put in standing committees.

Rep. Meloy explained that only one had, and the rules had been suspended for that.

Rep. Moore asked why the bill was getting to the House so late.

Rep. Meloy answered that the bill had been taken from printing and referred to the Finance and Claims Committee because it had a fiscal impact. He felt it should be put on the floor for a vote, that it had been transmitted past the deadline because of being put in Finance and Claims.

Rep. Moore withdrew his motion.

A vote was taken on Rep. Bradley's motion. It carried unanimously.

Senate Bill 447 had been referred to the Rules Committee because it was transmitted after the deadline.

Rep. Meloy said that this was not an appropriation bill, but was similar to the annual session bills.

Rep. Driscoll moved that Senate Bill 447 not be accepted.

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

Rep. Bardanouve asked if the Senate had been accepting the House's bills.

Rep. Meloy replied yes, generally. He mentioned that they had refused to accept two of the House's bills.

A brief discussion was then had on the contents of Senate Bill 447.

Rep. Bradley said she thought they were out of order to discuss the merits of the bill.

Rep. Bradley then moved that Senate Bill 447 be accepted.

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

House Bill 567 had been referred to the Rules Committee for determination of whether or not the amendments were within the scope of the title.

Rep. Meloy explained that the amendments amended the Supreme Court's jurisdiction over admission to the bar.

Rep. Marks moved that the amendments are not within the scope of the title.

Rep. Driscoll read from page 1, line 25, of the bill, where it states: "Rules of procedure shall be subject to disapproval by the legislature...", and he stated that this was in the original bill. He felt that the original bill went a lot further, and that the amendments were within the scope of the title.

Rep. Meloy mentioned that on page 2 they had just stricken the words "in either of the two sessions following promulgation." He said that the original bill, by striking "admission to the bar" and leaving the ballot question of admission to the bar, would leave solely the legislative prerogative. He didn't think much was being changed at all from the original bill.

Rep. Fagg said that what was diametrically different was the questions to be put to the people. He thought it was a pretty broad ballot issue.

Rep. Meloy said that the amendments go beyond the scope of the title because of the manner in which the question is presented on the ballot. The actual substantive amendment, however, was within the scope of the title. He suggested that Rep. Huennekens be informed that the language on lines 15, 16, 18, and 19 of page 2 must be amended in order to clean the bill up and place it in proper order. If he does so, then the bill will not violate the constitution and the joint rules. Without those amendments, the bill is beyond the scope of the title. Rep. Meloy announced that the vote on Rep. Marks' motion would be conditioned upon a proper amendment. If the amendment is made, then the Rules Committee approves of the bill as not being a violation of the rules.

A vote was taken on Rep. Marks' motion. The motion carried unanimously.

Senate Bill 192 was before the committee for determination of whether or not the amendments of Representative Gerke went beyond the scope of the title.

Rep. Meloy said that the amendments in question would remove the legislative prerogative and put control under the county commissioners.

Rep. Moore mentioned that a new section had been added.

Rep. Gerke explained that the amendments just put the salaries back to the first numbers, back to the present salaries. The word "minimum" was put in the title of the bill. If this bill becomes law, that will allow it to stay that way. The county commissioners will adjust the salaries from time to time. Page 3 of the amendment just leaves things the way they are already. He said he didn't know what the violation of the rules here would be. The bill doesn't affect second, third, or lower class counties. He felt that this delay was just a maneuver on the part of some people to have time to lobby the bill. They don't trust the county commissioners to set salaries.

Rep. Kvaalen asked if the thrust of the bill was to increase salaries.

Rep. Gerke replied yes, the amendment allows for an increase of five percent in each year of the biennium. He explained that his amendments cancelled this and lets the county commissioners decide.

Rep. Marks said he thought that was within the scope of the title.

Rep. Fagg agreed.

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

Rep. Meloy said that the legislature had traditionally been making increases in salaries every session. He thinks the amendments go away from the intent of the bill.

Rep. Moore said that this puts the salaries of other county employees back in the hands of the county commissioners.

Rep. Bradley remarked that the title said the bill was to increase the salaries, and with the amendments there is no actual increase.

Rep. Fagg said that it sets minimums.

Rep. Meloy said that the purpose of the bill was to increase salaries. What the amendment does is get the state out of setting salaries.

Rep. Bradley said that what we could do is to increase the salaries and give the commissioners the authority to increase them further.

Rep. Moore remarked that that would be a substantial sum of money for the 56 counties.

Rep. Bradley moved as a substitute motion that the amendments be deemed not within the scope of the title.

A vote was taken. Voting aye were Representatives Bardanouve, Bradley, Fagg, Kvaalen, Meloy, and Moore. Voting nay were Representatives Driscoll and Marks. The substitute motion carried.

Rep. Meloy said that the question of whether or not the ayes and noes can be spread on the journal after the vote has been taken needed to be discussed. Representative Huennekens had referred the question to the committee. He felt that everybody should know before the vote is taken on second reading that the votes were going to be spread on the journal.

Rep. Marks contended that the motion was in order because it wasn't challenged at the time it was made.

Rep. Meloy remarked that Rep. Huennekens didn't make the challenge until after the vote was taken.

Rep. Marks moved that Rep. Moore's motion was in order because it wasn't challenged at the proper time.

Rep. Bardanouve said there was a more basic question than that to be answered. He felt we needed to know whether it could be done or not.

Rep. Meloy said it was not clear in the rule book. He wondered what it said in Mason's Manual regarding this. He felt it was an important thing to know if the vote is going to be spread on the journal.

Rep. Bradley said she would like to see a rule that says a motion of this type is out of order when the vote has already been taken.

Rep. Marks thought the question was now moot.

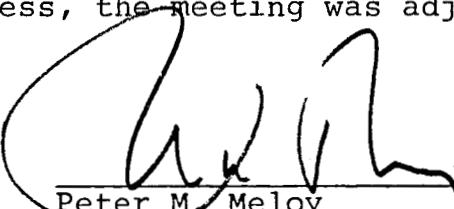
Rep. Moore said his motion was to make a correction on the journal and have the vote spread.

Rep. Meloy disagreed.

Rep. Marks moved that the question be postponed for a day.

The motion carried unanimously.

There being no further business, the meeting was adjourned at 12:50 P.M.



Peter M. Meloy

STANDING COMMITTEE REPORT

April 12

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MR. Speaker,

We, your committee on Rules

House

567

having had under consideration Bill No.

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 2, OF THE MONTANA CONSTITUTION TO REMOVE SUPREME COURT JURISDICTION OVER ADMISSION TO THE BAR."

Respectfully report as follows: That Bill No.

the amendments at lines 15 and 16 and the amendments at lines 18 and 19 on page 2 of the bill go beyond the scope of the title and beyond the scope of the original intent of the bill, and are therefore out of order, and that the bill be referred to second reading for non-concurrence in Senate Judiciary Committee amendments.

DO PASS

STANDING COMMITTEE REPORT

April 12 19 77

MR. Speaker,

Rules

We, your committee on

having had under consideration Senate Bill No. 192

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 25-605,
R.C.M. 1947, TO INCREASE THE SALARIES OF CERTAIN COUNTY OFFICERS
AND TO INCLUDE COUNTY ASSESSOR IN SALARY SCHEDULE."

Respectfully report as follows: That Bill No. 192

Representative Gerke's committee of the whole amendments to Senate
Bill 192 go beyond the scope of the title and are therefore out of
order;

DO PASS AS AMENDED

~~DO PASS~~

STANDING COMMITTEE REPORT

April 12, 1977

MR. Speaker:

We, your committee on Rules,

having had under consideration House Joint Resolution Bill No. 104....

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MONTANA REQUESTING THE COMMITTEE ON PRIORITIES TO
ASSIGN A STUDY OF THE CONCEPTS OF LEGISLATIVE OVERSIGHT AND POLICY
DEVELOPMENT RAISED IN HB 796 IN ADDITION TO THE STUDY REQUESTED IN HJR 85.

Respectfully report as follows: That House Joint Resolution Bill No. 104...

DO PASS