

MINUTES

SENATE RULES COMMITTEE

The Senate Rules Committee met on February 15, 1977 in room 331 of the capitol. Senator Stephens called the meeting to order at 4:40 p.m. Present were Senators McOmber, Mathers, Murphy, Stephens and Turnage. Arriving after roll call were Senators Roberts and Thiessen. Absent was Senator Hazelbaker. Also present were Nancy Aagenes and Senator Pat Regan. The minutes of the February 1st meeting were approved.

Senator Stephens stated that since there was so much interest in SJR 13, he was going to open the meeting up for additional testimony on the resolution, even though it had been heard before.

The following people testified in favor of the resolution; Bob Rice, Helena; Mr. Mike Foley, Helena; Susan Getz, Helena; Douglas Getz, Helena; and Alex Chekowski, East Helena. After their testimony, which is attached to these minutes, the testifiers left the meeting.

Senator Thiessen then asked why the committee was asked to delay action on this resolution. Senator Murphy answered that Rep. Fabrega is from the Panama area and felt that if anything like this was done it would play right into the dictator's hands.

Senator Stephens stated that he felt some action should be taken. Senator Roberts suggested that the action to lay it on the table in committee was all that was needed. Senator Turnage said he felt it was an inopportune time for this resolution, he stated that sections of the resolution could be construed as a declaration of war.

Senator McOmber asked if this resolution should be left in the committee. He wanted to know how the state department would feel about this. Senator Turnage suggested that Rep. Fabrega be invited to talk to the committee.

Senator McOmber then moved to pass consideration of SJR 13 until the committee would have more information about it. A discussion followed. Senator Murphy then seconded the motion and a vote was taken. Voting yes were Senators McOmber, Mathers, Murphy, Roberts and Turnage. Voting no were Senators Stephens and Thiessen. The motion carried.

The discussion then turned to the procedure needed for someone to get the resolution out of committee and on the floor.

Senator Stephens again stated that he felt the committee should do something with the resolution and not let it stay in committee. He suggested that a report be prepared telling the members what the problem is for the committee. Senator Turnage said he felt that the committee was operating in ignorance. After some more discussion, the committee decided that Senator Stephens should prepare a statement to be read on the floor explaining the action taken by the committee and why the committee felt they had to take this action.

Senator McOmber then turned the discussion to a problem of a member of the Senate having a conflict of interest upon a matter on which he is voting. Senator Turnage quoted section 522 of Masons Legislative Manual: (1) "It is a general rule that no one can vote on a question in which he has a direct personal or pecuniary interest. The right of a member to represent his constituency, however, is of such major importance that a member should be barred from voting on matters of direct personal interest only in clear cases and when the matter is particularly personal."

In further discussion, the rules committee elaborated, using the example of the sale of a piece of land that was offered for sale. If there were a bill before the legislature to buy a specially designated piece of land and a member of the Senate owned that designated piece of land, he or she could not vote on that bill. If, however, the legislature had before it a bill to buy any piece of land, a Senator with a particular piece of land for sale would not have a conflict of interest.

Section 522 (3) was also read. "3. A member may not vote to give money or any direct financial benefit to himself. A member may not vote to award a contract to himself, or renew a note in his favor, or vote a salary to himself as an officer; but may vote to approve a contract between a city and a corporation of which he is an employee where there is no direct financial benefit to himself."

Senator McOmber then brought up the matter of floor privileges when the lobby rule is in effect. His interpretation has been that if a Senator requests a person to be on the floor, it would be allowed before the session actually begins. The rules committee agreed with Senator McOmber's interpretation.

Senator McOmber also brought to the committee a request by Senator Healy for a presentation on March 17th on the Senate floor by a native of Ireland. The rules committee agreed to allow ten minutes during session for this presentation.

Having no further business, the committee adjourned at 5:15 p.m.

Respectfully submitted,


Jo Ann F. Owens, Secretary

Date approved 3/4/77


Senator Stan Stephens, Chairman