

MINUTES OF HOUSE RULES COMMITTEE - 48TH LEGISLATURE

April 12, 1983

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Room 420

Chairman Vincent called the meeting to order at 9:15 a.m. Representatives Fagg and Shontz were absent.

The first order of business was consideration of Senate Joint Resolution 22, sponsored by Senator Max Conover. Chairman Vincent turned the floor over to Senator Conover to explain the merits of the bill. The joint resolution requests funding for Stillwater County to repair damages to secondary highway 419. The damage was caused by transportation of chromium to Columbus. Senator Conover commented that he thought it was unfair for local taxpayers to have to pay for repairing the road.

Speaker Kemmis said this bill came to the House on the 64th legislative day. He said he doesn't think the House can accept it without suspending the rules. Vincent asked if the bill would then be re-referred to another committee to which Speaker Kemmis replied yes.

DISPOSITION OF SENATE JOINT RESOLUTION 22

Marks moved that the SJR 22 not be brought before the House because it was not transmitted in a timely manner and that a motion be required to suspend the rules.

Motion carried unanimously.

The next bill considered was Senate Joint Resolution 5, sponsored by Senator Bill Thomas. Chairman Vincent turned the floor over to Senator Thomas to explain the resolution. Senator Thomas said SJR 5 was a result of a court decision between the Montana Taxpayers Association and the Department of Revenue. The Legislature tried to change the trending methods. The Department of Revenue said that if you (the Legislature) wanted to change an administrative law, you have to do it through a resolution. SJR 5 will change the joint rules to require the Legislature to pass a law in order to change administrative rules.

DISPOSITION OF SENATE JOINT RESOLUTION 5

Ramirez moved that Senate Joint Resolution 5 be concurred in.

Motion carried unanimously.

It was agreed that Representative Ramirez would carry this resolution in the House for Senator Thomas.

The Speaker had requested that the Rules Committee determine whether or not, according to Joint Rule 6-34, the following bills that were passed by the Senate and transmitted to the House after the 70th Legislative Day qualify under the exceptions in the aforementioned rule, and if the House should accept the Senate Amendments to House Bills Nos. 58, 742 and 870.

Speaker Kemmis said that the Senate Amendments to House Bills 58 and 742 were transmitted on the 73rd Legislative Day and the Senate Amendments to House Bill 870 on the 77th day so all were transmitted after the normal time allowed. He assumed that the Senate thought that they were revenue bills. He referred to Joint Rule 6-34 to which Representative Ramirez responded that he thought if the Committee took the language in the rule literally that he doesn't think there is a problem. Speaker Kemmis said he would like to make a ruling to put in the record.

Marks moved that House Bill 58 be considered a revenue bill under the rules. Motion carried unanimously.

Chairman Vincent moved on to House Bill 870. Representative Fabrega said the question was essentially the same. He said this bill creates a new method of taxing incremental valuation. The amendments put on by the Senate were proposed by all parties involved. It's a brand new concept.

Fabrega moved that House Bill 870 be considered a revenue bill as it affects local government taxes. Motion carried unanimously.

Chairman Vincent said the final bill to determine whether or not it was a revenue bill was House Bill 742.

Ramirez moved that House Bill 742 not be considered a revenue bill and that the rules be suspended for the purpose of transmittal. Motion carried unanimously.

Discussion was held on working on language to clarify definition of a revenue bill. Speaker Kemmis commented that another area of concern is when talking about fees as opposed to taxes. He thinks there is a need for a definition for this. He suggested recommending to the next session that they redraft section in joint rules to clarify all of these issues. Ramirez asked if someone from Legislative Council could draft something for them to consider before the session adjourns. Fabrega said he thought it would have to go to the joint rules committee. Kemmis supported Ramirez's suggestion in that they contact Legislative Council and have them add to their list of things to consider next session and for members to think about having a joint rules committee meeting.

Fabrega said that he thinks that after the 30th day when bills are delivered that they should have to be transmitted to the other House no later than the 60th day.

Ramirez moved that the Rules Committee refer Fabrega's suggestion to the Legislative Council and ask for a draft and come back together to discuss and then, if they still so desire, have a joint rules committee meeting. He commented that he felt it was time to change Joint Rule 6-34. Motion carried unanimously.

Chairman Vincent, sponsor of House Resolution 3, explained the bill. It adds an additional standing committee to the other standing committees already in the House. He feels there are enough pieces of legislation to merit another standing committee to focus on the ever growing segment of the aging of our society.

Tom Ryan, Montana Senior Citizens Association of Helena, testified that senior citizens were the fastest growing segment in Montana. Their number now stands at 119,040, 62 and over. He spoke in support of the resolution saying he would like to see a committee like this so that senior citizens would have their own place to make known their problems. He commented that many times senior citizens have come to Helena to testify before committees and then are denied, which he did not blame the committee or the chairman for.

Wade Wilkinson, Low-Income Senior Citizen Advocate, spoke in support of the resolution. He testified that by the year 2000, one-fourth of the population will be senior citizens. He thinks some focus should be provided in the Legislature for the problems of the seniors. He thinks a committee on aging could look towards upcoming problems that can be dealt with soon.

Charles Briggs, Governor's Office, spoke in support of establishing an aging committee. He thinks it could be an important line of communication on focusing on aging matters and state government.

Marks commented on his concern that the same bills that would be assigned to an aging committee would be assigned to Human Services.

Speaker Kemmis commented that he thought there was another problem in that State Administration has too many bills to consider. He said he tried to assign some of the bills to other committees, but that there are three main types of bills that always go to State Administration: state reorganization; general political practices; and pension bills. He said they needed to find another committee to take over some of State Administration Committee's workload. He feels that if there was a committee on aging to deal with aging problems, then it could hear pension bills, too. Also, some of the bills that go to Human Services would go to the aging committee.

Yardley asked if the Taxation Committee would receive bills relative to senior citizens and taxes. Speaker Kemmis said yes. Yardley said he thinks this could cause major problems if bills are moved to too many different committees. Chairman Vincent said he didn't have taxation bills in mind when he proposed the new aging committee. He said he thinks tax bills affecting senior citizens should stay in the Taxation Committee.

Ramirez said he thought the more committees created the less time people actually have to testify. He said it looks like they are now beginning to pick out segments of the population. He thinks the same arguments could be made for "children and minors". He feels that by establishing an aging committee that they would be forming a new committee for a segment of the population, and not by subject, which the other committees are established by.

Marks said he thought the idea of the bill was a good concept, but that there could be problems. He said they would be dividing a large issue area into smaller areas, and that it would be splitting almost in half the issues considered by the Human Services Committee. He said he wasn't so sure that this would help the process.

Addy asked if they were really focusing on the questions facing aging, and if that was a matter of concern. He said that maybe all issues needed to be considered all the way across the board.

Fabrega said he signed the bill because he recognized the need for changes in committee structure. He thought they had two choices: to form a committee on aging or expand the schedule for the Human Services Committee. He said he would like to review the present committees and their workloads and meet again on scheduling of committees.

Speaker Kemmis said one problem he had was filling the Human Services Committee. He said he wasn't sure if they would have this problem so much with an aging committee. He commented that one thing that has to be done is move Local Government up to a Class II Committee at least, and that he would prefer it be Class I. Then there would be room for a Class II committee.

Marks said he thought it would be likely that if there was an aging committee then bills would be heard twice.

Speaker Kemmis suggested a different approach - don't add another committee, but shift workload around. He suggested a committee called Human Services, Aging and Retirement and shifting pension bills to that committee. He is concerned that there is too much work for the State Administration Committee.

Ramirez said he thought all pensions need to be looked at. He said there are many bills on pensions and that none of them are coordinated. He thinks they need to look at consolidating these pensions for the benefit of the people involved in those programs, the government, tax base, and all involved. If this issue was studied in the interim, this may relieve some of the problems already discussed in this meeting.

Chairman Vincent summarized the members' options saying they could pass the resolution out as currently written or rename the Human Services Committee to include pensions and make it a higher class committee.

Fabrega said he thought the Business and Industry Committee should be moved back to Class II.

Speaker Kemmis said the Labor and Employment Relations Committee has a structural problem. It seems you either have a pro-labor or pro-management committee.

Chairman Vincent said his primary objective in introducing this resolution was to give recognition to retirees and senior citizens in our society. If it were a Class I committee, a Human Services, Aging and Pension committee would have the time to devote to senior issues. The word "aging" would be included and they would have the recognition in name so that the Legislature would address their needs.

Fabrega moved that House Resolution 3 be amended to create a Committee on Human Services, Aging and Pensions, and that it be contemplated as a Class I committee. Motion carried unanimously.

Marks said the next Speaker may want to look at the number of members of the present standing committees. He thinks 18 and 19 members per committee are more than what is needed.

Marks moved that House Resolution 3 be amended to combine the Business and Industry and Labor and Employment Relations Committees and call it Business and Labor. Motion carried unanimously.

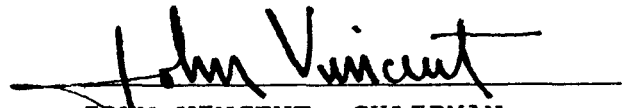
Chairman Vincent commented that the title would need to be amended accordingly and the subsections renumbered.


DISPOSITION OF HOUSE RESOLUTION 3

Fabrega moved that House Resolution 3, AS AMENDED, DO PASS.

Motion carried unanimously.

There being no further business, the meeting was adjourned at 10:45 a.m.


JOHN VINCENT, CHAIRMAN


JOYCE ANDRUS, SECRETARY

STANDING COMMITTEE REPORT

April 13

1983

MR. Speaker

We, your committee on Rules

having had under consideration Senate Joint Resolution ~~Bill~~ No. 5

third reading copy (blue)
color

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MONTANA TO AMEND JOINT RULES 6-1, 6-7, AND 6-34,
RELATING TO CHANGES IN ADMINISTRATIVE RULES, TO MAKE THE JOINT RULES
COMPATIBLE WITH STATUTORY AMENDMENTS MADE BY BILL NO.)) (LC
321).

Respectfully report as follows: That Senate Joint Resolution ~~Bill~~ No. 5

BE CONCURRED IN

~~XXXXXX~~
DO PASS

Chairman.

STANDING COMMITTEE REPORT

April 13

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MR. Speaker

We, your committee on Rules

having had under consideration House Resolution Bill No. 3

first reading copy (white)
color

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA
TO CREATE A HOUSE STANDING COMMITTEE ON AGING; AMENDING HOUSE RULE
H3-1.

Respectfully report as follows: That House Resolution Bill No. 3

BE AMENDED AS FOLLOWS:

- (1) Title, page 1, line 5
Following: "ON"
Insert: "HUMAN SERVICES,"
Following: "AGING"
Insert: "AND PENSIONS"
- (2) Page 1, line 14
Strike in its entirety
Renumber subsequent subsections

~~XXXXXXXXXX~~

~~XXXXXX~~
~~06-1-83~~

April 13

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- (3) Page 1, line 17
Following: "and"
Strike: "Industry"
Insert: "Labor"
- (4) Page 1, line 22
Strike in its entirety
Renumber subsequent subsections
- (5) Page 2, line 1
Following: "Services"
Insert: ", Aging and Pensions"

AND AS AMENDED

DO PASS

RULES COMMITTEE

HOUSE OF REPRESENTATIVES

48TH LEGISLATURE

ATTENDANCE

DATE: 4/12/83

	PRESENT	ABSENT	OTHER
VINCENT, Chairman	X		
KEMMIS, Vice-Chairman	X		
ADDY	X		
FABREGA	X		
FAGG		X	
HARRINGTON	X		
MARKS	X		
RAMIREZ	X		
SHONTZ		X	
YARDLEY	X		