

MINUTES OF THE MEETING  
JOINT RULES COMMITTEE  
THIRD SPECIAL SESSION OF THE  
49th LEGISLATURE

June 16, 1986

The first meeting of the Joint Rules Committee was called to order by Chairman Fred Van Valkenburg at 10:30 a.m., in the Senate Judiciary Committee Room in the State Capitol.

ROLL CALL: Senators Crippen, Stephens, Christiaens, Norman and Van Valkenburg; Representatives Addy, Brown, Harper, Keyser, Marks, Moore, Ramirez, Schultz, and Vincent were present.

Chairman Van Valkenburg included in the agenda exceptions and considerations regarding adoption of special rules for the third special session of the 49th Legislature.

Chairman Van Valkenburg stated that the first matter in that regard was the proposal that to the extent the call of the Governor was applicable, all bill drafting requests should be in by the 2nd legislative day, and all bills prepared by the Council, introduced by the 3rd legislative day at 5:00 p.m., unless delivered from the council not by that time, then within twenty-four hours.

Representative Marks asked if deadlines were addressed in the March session.

Chairman Van Valkenburg stated that yes, they were, and referred Representative Marks to the Joint Rules Committee minutes of March 24, 1986 for verification.

Representative Marks asked what statutes may come up later to reduce programs, and would they fit within the Governor's call.

Chairman Van Valkenburg replied that discussion would be necessary for specific determinations.

Representative Moore suggested that there might be areas as the session progressed, where there could be circumstances which would make it necessary to suspend the rules.

Chairman Van Valkenburg stated that in that case the Joint Rules Committee would need to suspend the rules to expand the session.

Representative Harper suggested that the Joint Rules Committee adopt a 5:00 p.m. deadline of the 2nd legislative day for drafting requests, and a 5:00 p.m. deadline of the 3rd legislative day for the introduction of bills, pursuant to the call of the Governor.

Representative Marks stated concern that he did not want to be trapped in a situation where it would be difficult to get a rule suspension if necessary.

MOTION: Representative Marks moved that to the extent that the call of the Governor is the applicable guideline, all bill drafting requests pursuant to that call should be submitted by 5:00 p.m. of the 3rd legislative day, and should be introduced by 5:00 p.m. of the 4th legislative day, or within 24 hours following the receipt of a drafted bill.

The question was called on Representative Marks' motion. The motion carried unanimously.

Chairman Van Valkenburg then directed the committee's attention to the matter of debate between the Legislative Council and members of the legislative body in regards to revenue bills not considered to be within the scope of the Governor's call.

Greg Petesch of the Legislative Council stated that a bill drafting request by Senator McCallum was considered to be erroneous and not within the call. The bill regarded implementing part of OPI's 5% reduction dealing with vocational technical centers' funding, making the 1 1/2 mill levy mandatory. Mr. Petesch held that although HB 500 would not get funds unless levying the 1 1/2 mills, that was inappropriate because the statute did not require such.

Chairman Van Valkenburg asked the members of the committee if anyone wanted to take a position on the issue.

Representative Moore asked if McCallum's bill included secondary schools.

Mr. Petesch informed Representative Moore that vocational technical schools are post-secondary schools.

Representative Moore stated that the bill only affected five areas, thus he couldn't see why it was necessary.

Representative Addy stated that Representative Moore did not understand the issue, which was whether the levy should be mandatory.

Representative Moore stated that it should be up to the local school districts to decide how much they need to levy.

Representative Brown stated that McCallum's bill should be considered to fall within the scope of the Governor's call.

MOTION: Representative Marks moved that the Joint Rules

Committee direct the Legislative Council that Senator McCallum's request regarding post-secondary vo-tech center funding (making the 1 1/2 mill levy mandatory) be considered within the scope of the Governor's call.

Question was called and the motion carried unanimously.

Mr. Petesch stated that the next request which the Council did not consider to be within the scope of the call was the request regarding waiver of implementation of property tax reassessment for one year.

Senator Stephens asked Mr. Petesch to give his legal opinion of why the revenue decrease would not be considered to be within the call.

Mr. Petesch stated that it was questionable and a close call, but to be within the call the bill would have to call for a program change. Thus, Mr. Petesch phrased the issue as whether or not property tax should be considered to be a program within the statutory definition of "program."

Representative Keyser queried rhetorically whether or not the bill would be an allocation of resources.

Senator Christiaens stated that he felt the request was within the scope even though there may be decreases in revenue attributable to the property tax freeze, because otherwise there will be a tangle of lawsuits and protests.

MOTION: Representative Brown moved that the Legislative Council be directed that bill drafting requests that have the effect of amending property tax laws to provide for the roll-back or freeze in values from the next year's values are within the scope of the Governor's call.

Representative Ramirez stated that he disagreed, and did not think he could support the motion.

Representative Vincent asked how broad the request was.

Senator Christiaens replied that the bill was general in nature; the point was simply to freeze property tax levels at the 1985 level until the reassessment problems could be solved.

Mr. Petesch stated that other property tax bills included greenbelt bills, mining bills, and at least a half dozen other bills relating to property tax issues. He informed the committee that if they determined the freeze bill to be within the scope of the call, the others would be considered likewise.

Representative Vincent stated that approval of Christiaens' bill would evidently open the floodgates to at least six more bills, and as such he considered that a dangerous direction for the committee to take.

Senator Crippen stated that he believed Representative Vincent had a good point but he considered that to simply be one of the hazards of being a legislator. He stated that the committee had a responsibility to handle problems such as the one before them, and to determine the close calls.

Chairman Van Valkenburg stated that there was no increase under the current call, and the decrease should be germane to the call only if it was the result of a program change.

Representative Vincent reminded the committee to keep in mind that such bills would add substantially to the body of work before the legislature. He said he doubted the legislature would be able to adjourn by the 28th if they agreed to include property tax bills in the call.

Representative Moore said he thought the property tax people should use petitions instead of seeking to be included within the Governor's call.

MOTION: Representative Moore made a substitute motion that the bills not be considered within the scope of the call.

Representative Harper stated that he supported the motion, and felt the better course of action would be to avoid throwing the door open to the property tax issue.

Chairman Van Valkenburg rephrased the motion for the committee as follows: the substitute motion made by Representative Moore would direct the Legislative Council that any bill drafting requests that have the effect of amending property tax law providing roll-back or freeze of next year's property tax values shall be considered within the scope of the Governor's call.

Question was called. Senators Christiaens, Crippen, Norman, Stephens, and Chairman Van Valkenburg voted no. Representatives Brown, Keyser, Marks, Ramirez, Schultz, Vincent, voted no. Representatives Addy, Harper and Moore voted yes. The motion failed.

Chairman Van Valkenburg stated that without objection he would direct the secretary to reverse the vote for the original motion by Representative Brown. There was no objection. The vote was reversed on Representative Brown's motion and the motion carried.

Mr. Petesch then informed the committee of a bill drafting request made by Representative Cobb which would increase class B-10 game hunting licenses.

MOTION: Representative Keyser moved that the committee direct the Legislative Council that increase of class B-10 hunting licenses bill be considered not within the scope of the Governor's call.

The question was called. The motion carried with only Representative Brown voting no.

Chairman Van Valkenburg stated the next subject of discussion regarded the expansion of the call. Chairman Van Valkenburg stated that before the March special session there had been an informal meeting of the leadership and they had agreed to back away from oral motions from the floor. He stated that he would like to limit expansion of the call to written petitions.

Representative Brown stated that he considered that undemocratic.

MOTION: Representative Keyser moved to adopt a special rule that the sole procedure for expanding the Governor's call when in session should be by written petition of the majority of legislative members.

The question was called. The motion carried with all members except Representative Brown voting yes.

Chairman Van Valkenburg stated that finally, he would like to discuss the adoption of exceptions to the rules for governing the third special session of the 49th legislature. He reviewed the rules which he determined should be excepted, including rules 3-7, 6-7, 6-8, 6-19, 6-20, 6-22, and 6-29.

Representative Marks stated that rule 6-8 should only have the first paragraph suspended.

The committee voiced general agreement.

MOTION: Senator Stephens stated that the proposed suspensions were the same suspensions of the rules utilized in the last special session and moved that the suspension of the rules as outlined by Chairman Van Valkenburg be approved. Chairman Van Valkenburg restated the motion as follows: motion to adopt exceptions to Joint Rules, in keeping with past practices, including exceptions to rules 3-7, 6-7, 6-8, 6-19, 6-20, 6-29, and 6-34. 6-8 to be limited suspension only to the first paragraph of that rule.

The question was called. The motion carried unanimously.

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Discussion then ensued regarding a possible transmittal deadline.

Representative Ramirez stated support for determining a deadline.

Representative Vincent disagreed.

Chairman Van Valkenburg suggested that the committee think about it, reconvene at a later time such as Wednesday or Thursday, and consider proposals regarding transmittal at that time.


The committee members voiced general agreement to the Chairman's suggestion.

MOTION: Senator Christiaens moved that the committee adjourn.

Chairman Van Valkenburg adjourned the meeting, with notice that they would meet later in the week.

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Chairman Fred Van Valkenburg

  
Secretary Kelly Jean Beard