

MINUTES OF THE MEETING
RULES COMMITTEE
50th LEGISLATIVE SESSION

February 3, 1987

The ninth meeting of the House Rules Committee was called to order by Chairman Tom Hannah on Tuesday, February 3, 1987 at 1:00 p.m. in Room 428-A of the State Capitol.

ROLL CALL: Rep. Dave Brown was the only member absent.

CONSIDERATION OF HR 2: A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA AMENDING HOUSE RULE 3-2 TO REQUIRE THAT AT LEAST ONE REPRESENTATIVE FROM EACH COUNTY HAVING A POPULATION GREATER THAN 30,000 BE APPOINTED TO THE HOUSE APPROPRIATIONS COMMITTEE.

Rep. Paul Rapp-Svrcek, House District 51, chief sponsor of HR 2 said this legislation is a reaction to what has happened in the 50th legislative session. His original intention was to enforce it for this session. However, because we are well into this session, a change in the Appropriations Committee membership might do more harm than good. He said those counties that contain the greatest proportion of Montana's population need some sort of representation on the Appropriations Committee. He feels this is a serious problem that needs to be addressed.

There were no proponents or opponents present to testify. A question and answer period followed.

Rep. Mercer said he doesn't see what makes one area of the state more deserving of representation on the Appropriations Committee than another. Rep. Rapp-Svrcek said he was looking more at the larger number of people who would be directly impacted by decisions made on that committee.

In response to a question asked by Rep. Mercer, Rep. Rapp-Svrcek feels that looking at it from a county-wide basis also lessens somewhat the partisan impact that might be found.

Rep. Marks asked if Rep. Rapp-Svrcek would support an amendment to appoint at least one representative on the same basis to the Taxation and Agriculture Committees. Rep. Rapp-Svrcek said that while there may be a significant argument in support of including the Taxation Committee, he doesn't agree with including the Agriculture Committee.

There being no further questions, hearing closed on HR 2.

CONSIDERATION OF HOUSE RESOLUTION 3: A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA AMENDING THE HOUSE RULES TO PROVIDE FOR A COMMITTEE ON COMMITTEES.

Rep. Jack Sands, House District 90 and sponsor of HR 3, said this resolution came from an idea that was presented before the Republican caucus before the organizational caucuses were held. This resolution would basically establish a Committee on Committees. He said that by dividing the committees up to represent the ratio between parties in the whole House, thus distributing the workload is the fair way to approach this. Furthermore, it would not require members of the majority party to serve on as many committees as some legislators do. Although the number of members on committees would continue to be selected by the majority party, individual members on a particular committee would be selected by the Committee on Committees. He feels it is important to respect the integrity of the party system. Most of the time, the Speaker defers to the minority party and allows them to make their own selections. The best way to establish a harmonious relationship when committee members are unable to agree on appointments is to allow each party to make its own selections.

There were no proponents or opponents, and the hearing was opened to questions and discussion.

In response to a question, Rep. Sands said the reason for prohibiting a chairman of another committee to serve on the Committee on Committees is to make leadership spots available to a broader range of people. Rep. Quilici pointed out that the Senate doesn't operate this way; their chairmen may still serve on the Committee on Committees.

Rep. Ramirez asked if any other states practice this type of prohibition. Rep. Sands said he didn't know. Rep. Ramirez questioned how this could every work. He said this would reduce the number of people able to serve on the Committee on Committees.

In response to Rep. Ramirez, Rep. Sands said the rationale behind this resolution is to have more people involved in the key decision-making process. Better policies are made when more people are involved in the process.

There being no further questions or discussion, hearing closed on HR 3.

CONSIDERATION OF HJR 17: A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA AMENDING JOINT RULE 6-8 OF THE LEGISLATURE TO PROVIDE THAT NO BILL EARMARKING FUNDING MAY BE CONSIDERED UNLESS THE FUNDS ARE USED FOR THOSE FROM WHOM THEY ARE DERIVED OR THE CONSTITUTION PROVIDES FOR THE EARMARKING.

Rep. Jack Sands, sponsor of HJR 17, said this resolution seeks to deal with the problem we presently have with the earmarking of funds. This is an alternative way of dealing with the earmarking problem that Rep. Donaldson's defeated floor amendment to SJR 6 attempted

to deal with. He pointed out that earmarking would not be prohibited for things in the nature of user fees such as: 1) highway funds; 2) Rep. Winslow's bill dealing with hotel/motel tax, etc. This resolution would not attempt to wipe out earmarking, but it would apply prospectively only. He pointed out that 60% of Montana's funds are earmarked. This resolution provides a flexible but realistic solution to what is becoming an increasing problem in this state. He further pointed out that earmarking is not a new problem.

There were no proponents or opponents. A question and answer period followed.

In response to a question asked by Rep. Marks, Rep. Sands said this resolution deals only with legislative earmarking. In response to Rep. Quilici's question, Rep. Sands said HJR 17 doesn't attempt to wipe out any existing earmarked accounts -- it would only pertain to new legislation.

Rep. Eudaily questioned whether or not this resolution would create a lot more problems for the Rules Committee and the whole House. Rep. Sands said he would expect that some anticipatory work could be done. He thinks there would be some precedence established quickly. The Rules Committee would have another role to perform.

In response to a question by Rep. Addy, Rep. Sands said he chose to introduce a resolution over a bill because it is important to make this a part of the rules of the House. By doing so, the decisions that are made are subject to the House instead of being subject to judicial review. This leaves the decision solely with the legislature.

There being no further questions, hearing closed on HJR 17.

CONSIDERATION OF HB 550: AN ACT TO PROVIDE FOR ESTABLISHMENT BY THE LEGISLATURE OF A JOINT LEGISLATIVE REVENUE ESTIMATING COMMITTEE.

Rep. Jack Ramirez, House District #87, said this is the bill that would create the statutory Revenue Estimating Committee. He pointed out that each political party in each house shall be equally represented on the committee.

PROPOSERS: Rep. Marks stated his support for the bill.

OPPOSERS: None

There being no questions, hearing closed on HB 550.

E X E C U T I V E S E S S I O N

ACTION ON HB 550: Rep. Marks moved HB 550 DO PASS. The motion was seconded, and it CARRIED unanimously. Rep. Ramirez did comment that he doesn't think there is a lot of enthusiasm for this bill in the Senate.

ACTION ON HR 2: Rep. Ramirez moved HR DO NOT PASS. Rep. Vincent commented that this resolution along with several others in committee need further thought.

Rep. Eudaily moved a substitute motion TO TABLE HR 2. The motion CARRIED with Rep. Addy voting no.

ACTION ON HJR 17: It was Rep. Marks' feeling that we would be transferring the complications of Rep. Donaldson's defeated floor amendment to SJR 6 intended for consideration by the Appropriations Committee over to the Rules Committee. In that case, it was Rep. Marks' preference to allow the Appropriations Committee to handle it. For that reasons, he moved for a DO NOT PASS.

Rep. Ramirez said this is a substantive law. He is not sure that the statute would be enough to put that kind of restriction in.

Rep. Addy made a substitute motion TO TABLE HJR 17. The motion CARRIED unanimously.

ACTION ON HR 3: Although he believes there is merit to this resolution, Rep. Marks said he has a problem with it. First of all, the omission of the selection of chairmen is one problem. He thinks the House, by tradition, has had a distinctively different rule than the Senate. The majority has been regarded as the management authority. It is a self control operation which he feels works well. The most complicated problem is one of time.

Rep. Vincent thinks it is better to have the politics of one rather than the politics of seven. He also feels that it is better to keep it the way it presently is. Rep. Vincent moved TO TABLE HR 3. The motion CARRIED with Rep. Hannah voting no.

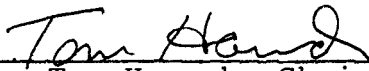
CONSIDERATION OF HB 398: Rep. Marks moved HB 398 DO NOT PASS. Rep. Mercer said he feels these measures (HB 398 and HB 115) will receive a lot of interest on the floor. Although he feels that both these measures are ill-advised, an alternative should be considered because we need to get this thing under control. He suggested delaying action on these two measures until Rep. Vincent's resolution establishing a Legislative Reorganization Commission is introduced and considered.

It was also Rep. Iverson's opinion that action be delayed on HB 398 and HB 115 until Rep. Vincent's bill is heard.

Rep. Vincent said we need to get a handle on this problem, and if these bills are shoved out of committee, it may not create the best environment.

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ADJOURN: A motion having been moved by Rep. Marks, the meeting
adjourned at 1:55 p.m.



Rep. Tom Hannah, Chairman

STANDING COMMITTEE REPORT

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Mr. Speaker: We, the committee on RULES
report HB 550

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| <input checked="" type="checkbox"/> do pass | <input type="checkbox"/> be concurred in | <input type="checkbox"/> as amended |
| <input type="checkbox"/> do not pass | <input type="checkbox"/> be not concurred in | <input type="checkbox"/> statement of intent attached |

REP. TOM HANNAH

Chairman

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