

DAILY ROLL CALL

HOUSE RULES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 26, 1987

NAME	PRESENT	ABSENT	EXCUSED
HANNAH, Tom (Chairman)	✓		
MARKS, Bob (Vice Chairman)	✓		
ADDY, Kelly	✓		
BROWN, Dave	✓		
EUDAILY, Ralph	✓		
IVERSON, Dennis	✓		
MERCER, John	✓		
RAMIREZ, Jack	✓		
QUILICI, Joe	✓		
VINCENT, John			

MINUTES OF THE MEETING
RULES COMMITTEE
50TH LEGISLATIVE SESSION

March 26, 1987

The twelfth meeting of the House Rules Committee was called to order by Chairman Tom Hannah on Thursday, March 26, 1987 at 1:10 p.m. in Room 428-A of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Vincent who was absent.

Al Abramson from the Chief Clerk's Office updated the committee with the rules revision project. He submitted an outline and further explained the purpose of the project. (See Exhibit 1.) He said legislators desirous to see other changes made have submitted various proposals. They are also trying to figure out how to cut back the joint rules. Al informed the committee that they are presently working on these proposals and plan to have something drafted for legislators to look at by next week.

CONSIDERATION OF SB 113: AN ACT CLARIFYING THE STATUTES REGARDING PRESESSION ACTIVITIES OF THE LEGISLATURE.

Senator Delwyn Gage, District No. 5, sponsor of SB 113 said this bill would basically change some language in statute in order to conform with pre-session caucus activity.

PROPOSERS: None.

OPPOSERS: None.

Senator Gage closed, and the hearing closed on HB 113.

CONSIDERATION OF SB 29: AN ACT TO REVISE THE TIME FOR HOLDING PRESESSION LEGISLATIVE CAUCUSES.

Because the sponsor of SB 29 was unable to present his bill, Rep. Marks spoke in favor of it. He said the bill was requested by the Legislative Council for purposes of clarifying some language in existing statute.

PROPOSERS: None.

OPPOSERS: None.

A question and answer period followed. Rep. Quilici asked if SB 113 has any affect on SB 29 since they deal with the same section of law. Bob Person, Acting Director of the Legislative Council, said no conflict exists between the bills; they could have been combined.

There being no further questions, the hearing closed on SB 29.

EXECUTIVE SESSION

ACTION ON SB 113: Rep. Addy moved that SB 113 BE CONCURRED IN. The question was called and the motion CARRIED unanimously on a voice vote.

ACTION ON SB 29: Rep. Addy moved that SB 29 BE CONCURRED IN. The question was called and the motion CARRIED unanimously on a voice vote.

CONSIDERATION OF HB 291: AN ACT PROVIDING A CONTINGENT INCREASE IN THE FUEL CONSERVATION SPEED LIMIT.

Rep. Quilici informed the committee that in talking with Rep. Peck, he indicated he would not be present at the hearing today and wasn't concerned with the action the committee chose to take.

Rep. Mercer said a similar bill was heard in the Highways Committee today which would accomplish the same purpose this bill intended to accomplish. On that basis, Rep. Mercer moved TO TABLE HB 291. The question was called and the motion CARRIED unanimously on a voice vote.

CONSIDERATION OF HB 754: AN ACT PROVIDING THE APPOINTMENT PROCESS FOR WATER JUDGES & ESTABLISHING PRIORITY BASINS.

Rep. Dorothy Bradley, chief sponsor of this bill, provided the committee with a handout explaining what amendments had been previously adopted. (Refer to Exhibit 2.) The first set of amendments would do the following:

- 1) Remove the appropriation for a random sample of claims within decreed basins;
- 2) Remove the extension of authority to the board of natural resources and conservation;
- 3) Provide a small appropriation for the judicial nomination commission to handle increased costs (\$1200 is the cost for one meeting);
- 4) Amend the statement of intent to account for reductions in funding to the DNRC to assist in the adjudication process.

The second set of amendments would limit the judicial nomination commission process to the office of chief water judge.

The third set of amendments offered by Rep. Bradley would remove Rep. Spaeth's amendments requiring that DNRC expenses in assisting the Water Courts be paid from money appropriated to the chief water judge.

Rep. Bradley said she didn't have a position on this particular amendment and would leave it to the committee's discretion.

A question was asked as to why this bill was re-referred to the Rules Committee. Rep. Iverson explained that a question had been raised on the floor as to whether or not there are too many subjects in the title of the bill. He said these proposed amendments would certainly cure any problems with that.

Rep. Mercer inquired if there was anyone present who objected to the amendments offered by Rep. Bradley.

Ed Steinmetz, Water Master with the Water Court, said they have difficulty with two aspects: 1) changing the way the water judges are appointed will have a fiscal impact; and 2) the Spaeth amendment would cause a "separation of powers" problem in his opinion.

In response to Mr. Steinmetz's concern with respect to the fiscal impact, Rep. Iverson said the \$50,000 impact doesn't make any difference. He said this amendment doesn't have anything to do with what it will cost to get another judge; there is nothing in the bill that indicates there should be a replacement of a judge.

Rep. Mercer moved to adopt all three sets of Rep. Bradley's proposed amendments. Chairman Hannah said the question would be divided. Rep. Mercer moved the amendments 1-3 on page 1 of Exhibit 2 be adopted. The question was called and the motion CARRIED unanimously on a voice vote. Rep. Iverson moved the amendments 1-11 on page 1 of Exhibit 2. The question was called and the motion CARRIED unanimously on a voice vote.

Rep. Iverson spoke in favor of striking Rep. Spaeth's amendment saying that politically, this is the way to go.

Rep. Hannah spoke against striking the Spaeth amendment. He feels it will provide an appropriate check.

The question was called on Rep. Mercer's motion to strike the Spaeth amendment and it FAILED on a voice vote.

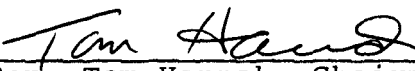
Rep. Mercer was concerned that the bill as it presently reads addresses two subjects. Rep. Brown said the entire bill deals with the water court, and he doesn't see an over-broadening.

Rep. Marks moved that the Rules Committee determine the title of the bill as encompassing one subject and the material contained in the body of the bill is consistent with the title. The motion was seconded, the question called, and the motion CARRIED with Reps. Addy and Ramirez voting no.

Rules Committee
March 26, 1987
Page 4

Rep. Marks moved that HB 754 DO PASS AS AMENDED. The question was called and the motion CARRIED with Rep. Ramirez dissenting.

ADJOURN: There being no further business, the meeting adjourned at 1:45 p.m.



Rep. Tom Hannah, Chairman

STANDING COMMITTEE REPORT

March 26

19 87

RULES

Mr. Speaker: We, the committee on _____

HB 754

report _____

- do pass
 do not pass
- be concurred in
 be not concurred in
- as amended
 statement of intent attached

Chairman

PROVIDES APPOINTMENT PROCESS FOR WATER JUDGES & ESTABLISHES PRIORITY BASINS

1. TITLE, line 5

Following: "CHANGING THE"

Insert: "CHIEF"

2. TITLE, lines 9 through 11

Following: "BASINS,"

Strikes: remainder of line 9 through "COURTS" on line 11

Insert: "APPROPRIATING MONEY FOR JUDICIAL NOMINATION COMMISSION EXPENSES RELATING TO WATER COURT APPOINTMENTS"

3. TITLE, line 12

Following: "3-1-1011,"

Strike: "3-7-201,"

4. Page 1, line 24

Strike: "or a water judge"

5. Page 1, line 25

Strike: "3-7-201 and"

6. Page 3, lines 19 through 20

Strike: "or a water judge"

7. Page 4, line 9 through line 9, page 5

Strike: section 6 in its entirety

Remember: subsequent sections

8. Page 8, line 11 through line 23, page 9

Strike: section 11 in its entirety

Insert: "NEW SECTION. Section 11. Appropriation. There is appropriated \$1,200 to the Montana supreme court for expenses of the judicial nomination commission in performing functions relating to water court appointments."

9. Page 9, line 25 through line 1, page 10

Strike: "and" on line 25 through "conservation" on line 1, page 10

SECOND

YELLOW

reading copy (_____)
color

HB 754
Page 2 of 2

Iverson Committee of the Whole Amendment to House Bill 754 dated 3/24/87
at 5:00 (the Statement of Intent)

10. Page 2, second paragraph, third sentence
Strike: "the department's field office"
Insert: "geographical"

11. Page 2, second paragraph, fourth sentence
Following: "process,"
Insert: "that the water judge may vary efforts from area to area based
on available resources,"

12. Page 2, subheading I
Strike: "field office"

13. Page 2, subheading II
Strike: "field office"

14. Page 2, subheading III
Strike: "field office"

15. Page 2, subheading IV
Strike: "field office"

16. Page 3, subheading V
Strike: "field office"

17. Page 3, subheading VI
Strike: "field office"

18. Page 3, subheading VII
Strike: "field office"

19. Page 3, subheading VIII
Strike: "field office"

20. Page 3, subheading IX
Strike: "field office"

STANDING COMMITTEE REPORT

March 26 19 87

RULES

Mr. Speaker: We, the committee on _____

report **SB 113** _____

- do pass
- do not pass

- be concurred in
- be not concurred in

- as amended
- statement of intent attached

REP. TOM HANNAH

Chairman

CLARIFYING STATUTES GOVERNING LEGISLATIVE PRESESSION ACTIVITIES



THIRD

BLUE

REP. MARKS WILL CARRY

_____ reading copy (_____)
color

STANDING COMMITTEE REPORT

March 26

87

19

Mr. Speaker: We, the committee on RULES

report SB 29

- do pass
- do not pass

- be concurred in
- be not concurred in

- as amended
- statement of intent attached

REP. TOM HANNAH

Chairman

REVISE TIME FOR PRESESSION CAUCUS



THIRD

reading copy (BLUE)
color

REP. MARKS WILL CARRY

Rules Revision Outline
3/26/87

I. Recodification:

Better organization: Rule 6-20 explains
governor's actions on a bill before second reading.
Joint vs. House: Lobbying on floor (2.2
and H2.1).

II. Reflect Present Practices:

Consent calendar (Chapter 10).
Majority/minority reports (7.3).
Allow reorder calendar on second reading.
No mandatory report on journal.

III. Clarify Rules:

Division.
Questions on nondebatable motions.
Debate on third.
Ex officio members and quorum.

IV. Change Rules:

Statements of intent.
Fiscal Notes.

3/26/87

Rep. D. Bradley

Amendments to House Bill 754 -- Set number 1
Second Reading Copy and Iverson and Spaeth Committee of the Whole
Amendments

Second Reading Copy

1. TITLE, lines 9 through 11

Following: "BASINS;"

Strike: remainder of line 9 through "COURTS" on line 11

Insert: "appropriating money for judicial nomination commission expenses relating to water court appointments"

2. Page 8, line 11 through line 23, page 9

Strike: section 11 in its entirety

Insert: "NEW SECTION. Section 11. Appropriation. There is appropriated \$1,200 to the Montana supreme court for expenses of the judicial nomination commission in performing functions relating to water court appointments."

3. Page 9, line 25 through line 1, page 10

Strike: "and" on line 25 through "conservation" on line 1, page 10

Iverson Committee of the Whole Amendment to House Bill 754 dated 2/24/87
at 5:00 (the Statement of Intent)

1. Page 2, second paragraph, third sentence

Strike: "the department's field office"

Insert: "geographical"

2. Page 2, second paragraph, fourth sentence

Following: "process,"

Insert: "that the water judge may vary efforts from area to area based on available resources,"

3. Page 2, subheading I

Strike: "field office"

4. Page 2, subheading II

Strike: "field office"

5. Page 2, subheading III

Strike: "field office"

6. Page 2, subheading IV

Strike: "field office"

7. Page 3, subheading V

Strike: "field office"

8. Page 3, subheading VI

Strike: "field office"

9. Page 3, subheading VII

Strike: "field office"

10. Page 3, subheading VIII

Strike: "field office"

11. Page 3, subheading IX

Strike: "field office"

* These amendments:

- 1) remove the appropriation for a random sample of claims within decreed basins;
- 2) remove the extension of authority to the board of natural resources and conservation;
- 3) provide a small appropriation for the judicial nomination commission to handle increased costs (\$1200 is the cost for one meeting); and
- 4) amend the statement of intent to account for reductions in funding to the DNRC to assist in the adjudication process.

Amendments to House Bill 754 -- Set Number 2
Second Reading Copy and Iverson and Spaeth Committee of the Whole
Amendments

1. TITLE, line 5

Following: "CHANGING THE"

Insert: "CHIEF"

2. Page 1, line 24

Strike: "or a water judge"

3. Page 1, line 25

Strike: "3-7-201 and"

4. Page 3, lines 19 through 20

Strike: "or a water judge"

5. Page 4, line 9 through line 9, page 5

Strike: section 6 in its entirety

Renumber: subsequent sections

* Limits the judicial nomination commission process to the office of chief water judge.

Amendments to House Bill 754 -- Set Number 3
Second Reading Copy and Iverson and Spaeth Committee of the Whole
Amendments

Spaeth Committee of the Whole Amendments to House Bill 754 dated 2/24/87
at 17:10

1. Strip Spaeth amendment in its entirety

* Removes Rep. Spaeth's amendments requiring that DNRC expenses in assisting the Water Courts be paid from money appropriated to the chief water judge.

VISITORS' REGISTER

RULES

COMMITTEE

BILL NO. HB 291 - Peck
HB 754 - Bradley
SB 29 - Lynch
 SPONSOR SB 113 - Gage

DATE March 26, 1987

NAME (please print)	RESIDENCE REPRESENTING	SUPPORT	OPPOSE
Ed Steinmetz	Water Court		
Ted J. Dovey	Mar. Water Devel. Comm.		
J Beck	DOH Highways		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.