

MINUTES OF THE MEETING  
SENATE RULES COMMITTEE  
MONTANA STATE SENATE

February 3, 1987

The meeting of the Senate Rules Committee was called to order by Chairman Van Valkenburg at 11:30 a.m., February 3, 1987 in Room 331, Capitol Building.

ROLL CALL: All members were present, except for Senator Blaylock.

PURPOSE OF THE MEETING: Chairman Van Valkenburg stated the purpose of the meeting was to take some kind of action on three bills and give the sponsors some indication about the bills.

FIRST ORDER OF BUSINESS: Chairman Van Valkenburg said that SB 85, introduced by Senator Gage, was referred to the Rules Committee because it has a statutory appropriation in it. The question before the Committee was whether this was an appropriation bill and properly introduced in the Senate. Chairman Van Valkenburg said that in his opinion, it was clearly an appropriation bill so long as the appropriation was in it. His recommendation to Senator Gage would be that he seek an amendment to the bill striking Section 1 of the bill in its entirety so that it did not have a statutory appropriation; that the Senate then act on the substance of the bill and, if it passes the Senate, then Senator Gage could seek reinsertion of that statutory appropriation in the House. This would ensure that Senator Gage would not run the risk of the bill not being received in the House. Due to the lateness of session, Chairman Van Valkenburg stated that it would not be beneficial to the bill to introduce it in the House as it is now. As it is now, the bill is clearly in violation of the Rules with the statutory appropriation in it. The Chairman asked for comments.

MOTION: Senator Norman moved that the bill be moved back to 2nd reading, with Senator Gage to be advised that the bill has a statutory appropriation in it with regard to Section 1.

Senator Akelstad asked if Senator Gage has been advised that this action was going to be taken.

Chairman Van Valkenburg replied that Senator Gage has been asking on a daily basis about the status of this bill in the Rules Committee, and that Senator Gage has indicated his desire to know the status so he can then decide what to do with the bill. The Chairman reminded committee members of Mr. Lee Heiman's visit to the Committee and his discussion of what appropriation bills consist of. He said that it was clear cut that a statutory appropriation was in the bill. Chairman Van Valkenburg stated that the alternatives for Senator Gage would be to either strike Section 1 from the bill or that he find a sponsor and have the bill introduced in the House.

Senator Farrell asked if Senator Gage could do that by proposing an amendment to Section 1. Chairman Van Valkenburg said yes.

Senator Jacobson asked if they agreed to the appropriation in the House, wouldn't that still make it a Senate appropriation? Chairman Van Valkenburg assured her that if they amended the bill in the House, it would not be a Senate appropriation.

Senator Akelstad asked if there would have to be changes in the language and the title, with the approval of the expenditures.

General discussion concluded that an amendments coordinator would make the title and language appropriate.

Senator Norman asked what would happen if the bill was reported out. Would it be returned to Natural Resources?

Chairman Van Valkenburg said that it came out of committee with a "Do Pass," so if the Rules Committee reported it back out, it would go up on 2nd reading. He said that Senator Gage should then have the opportunity to decide whether to strike Section 1 by an amendment, or to have it introduced into the House.

Question called. Motion passed unanimously.

SECOND ORDER OF BUSINESS: Chairman Van Valkenburg said that there were two other bills to consider. SB 42, introduced by Senator Neuman, and SB 70, introduced by Senator Gage, were referred to Rules after having been sent to Legislative Administration. The reason they were referred to the Rules Committee was because early on in the session there were discussions about having a Legislative Improvement Committee which would be a subcommittee of the Rules Committee. Since Legislative Administration was having difficulty having meetings, there was a motion to send them to Rules because both bills seemed to fit within the subject of Legislative Improvement.

Chairman Van Valkenburg stated that he was reluctant to appoint a legislative improvement committee until some joint rules were received. He said that he had discussed this with Representative Marks, who doesn't see the prospect of putting a legislative improvement committee together until after the transmittal deadline. The Chairman said that he had come to the conclusion that, out of fairness to Senators Gage and Nueman, the Committee should give them the opportunity to have hearings on the bills. He suggested that the Rules Committee conduct the hearings on these bills, since the members comprise the Senate leadership and since the bills deal with substantial topics, such as changing the way statutory committees are set up and the way the Legislative Council and the Fiscal Analyst are run. The alternative would be to simply send the bills back up to Legislative Administration or perhaps some other committee. At the very least, some hearings should be held on these bills so that the sponsors would have

the opportunity to present their ideas.

Senator Norman asked the Committee if it wanted to hear the bills or whether it wanted to send them to a standing committee.

Senator McCallum said he thought they should go to a standing committee. He indicated that rather than send them back to Legislative Administration, the bills should be rereferred to State Administration. Chairman Van Valkenburg said that if the bills were send back to the floor, he would move that they be sent to State Administration.

MOTION: Senator Norman moved that the Committee send the bills out and be rereferred to another committee.

Question called. The motion carried unanimously.

THIRD ORDER OF BUSINESS: Chairman Van Valkenburg said the final subject he wanted to bring up in the Rules Committee was to ask for an informal discussion of SJR 6, which is the amended Joint Rules. He said they would come up for 2nd reading February 4, in the Senate. Copies were made available to all committee members.

Chairman Van Valkenburg pointed out that the substantive difference in SJR 6 as it came back from the House was that the transmittal deadline was changed for Senate revenue bills from the 75th day to the 57th day. The deadline for House revenue bills was changed to the 65th day. Appropriations transmittal was set for the 72nd day and all amendments on both appropriations and revenue bills was set for the 83rd day. Chairman Van Valkenburg said he wanted to make sure that this came to the attention of everyone on the Rules Committee, and asked for discussion. He asked if the Senate would want to go conference on this and reject the deadline. He said that the House has given some indication that it may back off from this deadline a little, but he was uncertain whether it would. Chairman Van Valkenburg stated he hadn't tried to talk to anyone in the House about this.

Senator McCallum said that the taxation bills are not coming into the Senate nearly as fast as he expected. He said that although a great many bills had been requested, he did not know if they were going to be introduced. He said that Senator Crippen said he does have a sales tax bill that will be introduced, and Senator Neuman is going to introduce the Governor's bill this week, or perhaps early next week. Senator McCallum stated that bills have to be out of committee about 4 days ahead of transmittal.

Senator Van Valkenburg asked if that wasn't too soon, taking into account the break on the 45th day and then come back, and have 5 or at the most 7 legislative days to move bills out of committee in order to make the 57th day transmittal.

Senator McCallum acknowledged that that would be soon, and indicated that the Taxation Committee might not be able to take a break.

Senator Hims1 noted that the 57th day deadline shortened the expected time to work on revenue bills by two weeks, which was quite a long time.

Senator McCallum said he wished he knew how many bills were coming up.

Chairman Van Valkenburg said he had indications that the House wanted some negotiating room. He said the discussion of this on the floor of the House was to the effect that the Senate would reject the deadlines, and then we would go to conference and work it out. The Chairman said that he told them he didn't know whether or not the Senate would reject this. He said that he preferred and had argued strongly back in December for a same-day revenue bill transmittal deadline, and he thought there was agreement on this. Obviously, the House members changed their minds.

Senator Norman said that the effect of this is to place the onus of balancing the budget on the House. Perhaps that is a good thing, he said, but he was uncertain of the outcome.

Chairman Van Valkenburg agreed, and asked what would happen if they didn't meet the transmittal deadlines, like in the 1985 session?

Senator McCallum said that the Taxation Committee would do its utmost to get the bills out.

Senator Norman said he hoped the House Taxation did the same.

Senator Hims1 agreed, saying that if the House doesn't demonstrate more solidarity in getting its act together with a program than is evident so far, the Senate may be sitting here too, wondering what's going on. He again noted the two weeks the House would have before its transmittal deadline for revenue bill.

Senator McCallum noted that many more taxation bills were being requested by House members than Senate members.

Chairman Van Valkenburg said his inclination was when the Senate went out on 2nd reading on SJR6, to move to reject the House amendments. He said he didn't want to do that if the Senate wanted to go with these deadlines.

Senator Aklestad said he favored accepting the House amendments. He noted that presently the legislature was operating on the old rules which set transmittal for the 50th day. The House amendments gave a 7 day gain over that. He acknowledged that may not be enough time and that this would put Sen. McCallum in a crunch. But perhaps, he said, this is necessary so that we know what we are dealing with. There has not been much indication of what appropriation measures are coming. Sen. Aklestad emphasized the need to know what was available to spend, and then perhaps the appropriations side would come into focus a little quicker. Although he had heard a lot of talk about various tax proposals, Sen. Aklestad said he didn't believe that these tax proposals would be enacted very easily. In summation, Sen.

Senate Rules Committee  
February 3, 1987  
page 5

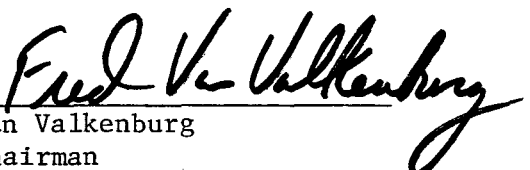
Aklestad stated he felt that he was in favor of holding the crunch on as much as possible, and perhaps the Senate should accept a 57th day transmittal deadline. There is a real possibility that if the Senate rejected it, and there was no consensus at conference, the old rules of transmittal on the 50th day would come into effect.

Chairman Van Valkenburg responded that in this case, the Senate could move to reconsider its rejection of the House amendments, vote to accept them, and then have a 57th day transmittal deadline. If the Senate went to conference on this, it might be able to get a 65th day deadline, or maybe a 60th day deadline, but it would give Taxation a little breathing room.

Senator McCallum emphasized the need for cleaning out the committee bills four days before transmittal.

Senator McCallum and Senator Van Valkenburg agreed to take the matter up with their respective caucuses. Senator McCallum indicated he would let Senator Van Valkenburg know how his caucus felt about rejecting SJR 6 before the February 4 session commenced.

There being no further business, the meeting adjourned.

  
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Van Valkenburg  
Chairman

ROLL CALL

Senate Rules

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/3/87

NAME	PRESENT	ABSENT	EXCUSED
Sen. Van Valkenburg	✓		
Sen. McCallum	✓		
Sen. Norman	✓		
Sen. Ahlstedt	✓		
Sen. Jacobson	✓		
Sen. Farrell	✓		
Sen. Blaylock			E
Sen. Hensel	✓		

Each day attach to minutes.