

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON RULES

Call to Order: By Senator Van Valkenburg, on January 16, 1991,
at 11:15 a.m.

ROLL CALL

Members Present:

Van Valkenburg, Chairman (D)
Joseph Mazurek, Vice Chairman (D)
Bruce Crippen (R)
Delwyn Gage (R)
Judy Jacobson (D)
Thomas Keating (R)
Paul Svrcek (D)

Members Excused: none

Staff Present: None.

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: Senator Van Valkenburg opened the
meeting by stating that its purpose was to consider whether
SB 73 and LC 203 are appropriations bills. Joint Rule 40-20
and Senate Rule 40-10 were referred to for this
consideration.

After consideration of the applicable rules, Senator Van
Valkenburg concluded that SB 63 was an appropriations bill in his
opinion.

MOTION: Senator Svrcek, sponsor of SB 63, made the motion to
table the bill. There was no further discussion. The motion was
adopted unanimously.

Senator Van Valkenburg began discussion of LC 203 requested by
Senator Thayer which extends the termination date of the
appropriation of funds from the coal severance tax fund for a
medical research facility. Bob Person of the Legislative Council
indicated on the cover of the bill draft that it is an
appropriation bill. The President of the Senate did not accept
the bill for introduction because the bill appears to be an
appropriation bill. Greg Petesch, of the Legislative Council
Legal Services Division, expressed to Senator Thayer an opinion
that the bill is not an appropriation bill.

Senator Thayer pointed out that the funds were appropriated last session and that this bill would extend the date for use of the funds, not appropriate new funds.

Senator Crippen asked Greg Petesch to explain the difference between SB 36 and LC 203. Petesch said that SB 63 would appropriate new money out of the state treasury while LC 203 does not concern using new money out of the treasury. He maintained that there is precedence in past sessions of senate bills which extend dates of appropriations.

Senator Gage pointed out that if Speaker Harper does not accept the bill because it has gone through the Senate and is an appropriations bill, then it is dead. He advised that a Joint Rules Committee meeting consider this issue. Senator Van Valkenburg said he had previously proposed a joint meeting to Senator Thayer. Senator Crippen responded that the Senate should not abrogate its responsibility in determining whether bills are appropriation bills.

Senator Svrcek asked Bob Person if he disagreed with Mr. Petesch's opinion. Person replied that Petesch had had more time to look at the bill, but ultimately the decision was up to the House and Senate.

MOTION: Senator Crippen made a motion that LC 203 be accepted as a senate bill, and therefore not considered an appropriation bill. The motion passed unanimously.

ADJOURNMENT

Adjournment At: 11:45 a.m.


FRED VAN VALKENBURG, Chairman


CLAUDIA CLIFFORD, Secretary

FVV/cac