

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON RULES

Call to Order: By Senator Greg Jergeson, on January 11, 1993, at 3:30 p.m.

ROLL CALL

Members Present:

Sen. Greg Jergeson, Chair (D)
Sen. Fred Van Valkenburg, Vice Chair (D)
Sen. Bruce Crippen (R)
Sen. Steve Doherty (D)
Sen. Delwyn Gage (R)
Sen. John Harp (R)
Sen. Judy Jacobson (D)
Sen. J.D. Lynch (D)

Members Excused: None

Members Absent: None

Staff Present: Janean Meacham, Committee Secretary

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

Committee Business Summary:

Hearing: SJR9, SR1, SB107
Executive Action: SJR9, SR1, SB107

HEARING ON SJR9

Opening Statement by Sponsor:

Senator Greg Jergeson, Senate District 8, as chief sponsor of SJR 9 said the only change that occurred as a consequence of the Joint Rules meeting held in December, was on page 2, number 10-85, Harassment prohibited. Sen. Jergeson stated that this was the language Bob Person and the President had come together on, and essentially it means that if there is an instance where someone believes harassment has occurred, they should report that to their presiding officer, or in the event they think it is the presiding officer that is doing the harassment, it should be reported to the Rules Committee.

Sen. Jergeson said there is one other problem in that the sequence of paragraphs is out of order. He believes that is a

clerical change that could be made.

Senator Van Valkenburg said a clerical change could be made.

Questions From Committee Members and Responses:

Senator Van Valkenburg said if the paragraph was changed to 10-75 it would work and that a clerical change should be done.

Senator Jergeson said the other change would be to go through the entire rules and make it gender neutral.

Senator Harp said regarding phone calls in 10-70, it is fairly clear, but asked if there was any thought about faxes. He mentioned there was a fax in their office and that he had mentioned to the president that anyone could use it.

Senator Jacobson asked if there was a charge for the fax. Senator Harp explained it was like a phone call and he gets a print out each Monday that shows the calls. Senator Jacobson cautioned them to be careful that it is not abused. Senator Harp said there was no cost to the state, that it came out of his office.

EXECUTIVE ACTION ON SJR9

Motion: Senator Lynch moved the adoption of SJR9.

Discussion: Senator Tom Towe questioned 10-60, Conflict of Interest.

Senator Van Valkenburg said by practice that has been done just prior to voting on a measure. A member, either in committee or on the floor of the Senate, announces a situation where he has a private interest in a particular measure. Senator Van Valkenburg said he had intended to discuss this more fully with the committee today because one of our members has written a letter in essence announcing at the beginning of the session that there may be some particular interest in matters pertaining to livestock industry issues. Sen. Mesaros is a member of the Board of Directors of the Montana Stockgrowers Association and he wanted to make sure that there was no misunderstanding as to possible application of this rule. Senator Van Valkenburg said he believes it is a better practice that any personal or private interest be announced prior to voting. In Sen. Mesaros' case, he doesn't think that in 99.9 cases involving livestock issues that Sen. Mesaros' has any personal or private interest in those. Rather, he would have a generic interest as a livestock producer and a narrow interest as a member of the Stockgrowers Association Board of Directors. The rule is there for a person that would have an individual financial gain from a particular bill.

Senator Jergeson said it was described to him that if a person's interest is as a member of a class to which a bill would generally apply there is not a conflict of interest there.

Senator Towe said there comes a time where the class is so small that it really does constitute a personal interest. He thinks the point is well taken that livestock is such a large class that there is no problem. He said his concern is that if that is the way it is to be interpreted, that it should be done before casting any votes. That it could apply in committee, on a motion to get a bill out of committee, on second or third reading. If it is done once, it shouldn't have to be repeated.

Senator Crippen said it has been discussed in the past. While a Senator may feel obligated to report it or not in committee, the committee does not constitute final action and for that matter, neither does second reading. The practice has been to do it prior to the final recorded vote. If a Senator didn't disclose a conflict of interest there is nothing that body could do unless it decided at another date to take some disciplinary action.

Senator Harp asked if he was saying third reading since that was the recorded vote.

Senator Lynch said it should be up to the person what he wants to disclose.

Senator Crippen said the recorded vote is on third.

Senator Towe said that you move to require them to vote on third reading.

Senator Van Valkenburg said the issue for the Rules Committee is when does the disclosure need to be made; can you have a blanket disclosure or do you have to do it on a vote by vote basis. He would think it would have to be on vote by vote basis, but it would be very rare that it would even apply. He doesn't think the situation brought by Sen. Mesaros applies unless there were to be an appropriation to the Montana Stockgrowers.

Senator Lynch said he understood it would have to affect you exclusively for there to be a conflict of interest.

Senator Van Valkenburg said the rules say if you have a personal or private interest in it, it has to affect you very directly.

Senator Jacobson said if it had to do with the Stockgrowers Association, it would not affect Sen. Mesaros personally.

Senator Gage said with regard to harassment, you sometimes use a cliché and don't realize it, and he hopes they don't get into calling that harassment.

Senator Jacobson said this has more to do with the general idea

that harassment and sexual harassment is being dealt with in a number of companies and people are becoming more aware of it.

Vote: Senator Lynch's motion that SJR9 Do Pass carried unanimously.

HEARING ON SR1

Opening Statement by Sponsor:

Senator Greg Jergeson said at the Rules meeting in December some changes were made to make the confirmation process of the Governor's appointments work smoother. There was a change where now there are only 2 copies of the bills. Again, these rules were swept to determine gender neutrality.

Questions From Committee Members and Responses:

Senator Jergeson replied in response to Senator Gage's question that if we were going to have a different schedule than the House, would we finally be forced or would we have to consider permitting pairs on second reading in order to permit people to be recorded as their preference on a bill while being absent carrying a bill before a House Committee.

Senator Van Valkenburg said we would go to a 1 p.m. floor session schedule after the 45th day. He is not inclined to make any recommendations or change or even acquiesce in them to go to pairs on second reading. We will reserve the right to schedule business in the Senate when it works for us, but for right now, that is the intention.

Senator Gage said he just wanted to bring it to the committee's attention if there was feeling one way or the other when people can't be there.

EXECUTIVE ACTION ON SR1

Motion: Senator Judy Jacobson moved SR1 Do Pass.

Vote: The motion that SR1 Do Pass carried unanimously.

HEARING ON SB 107

Informational Testimony:

Senator Jergeson said SB 107, which Senator Gage had introduced, includes a statutory appropriation on alcoholic beverages taxes.

According to the Constitution, all appropriation bills must start in the House. It has been suggested that we keep the bill in this committee and ask that it be redrafted and reintroduced in the House, or some other alternative.

Questions From Committee Members and Responses:

Senator Crippen asked if there was just one appropriation section that could be deleted.

Senator Gage said it is a statutory appropriation where they are adding one section.

Senator Jergeson said section 4 is the statutory appropriation section.

Senator Towe said the committee could move to delete.

Senator Crippen said the title could be amended and the body of the bill to eliminate that, and they can add it in the House.

Senator Van Valkenburg said it may be that the House might later on say the bill was improperly introduced in the Senate and therefore they don't have to receive it or even consider it in the House even though we have amended out the appropriation from the bill. He thinks it would be better to table the bill in the Rules Committee. Senator Gage has two choices at that point. He can either get a new bill that doesn't have a statutory appropriation, introduce it in the Senate, or leave the statutory appropriation in the bill but get a House member to introduce it in the House.

Senator Jergeson said since this bill has been proofed could Senator Gage get a new copy within a few minutes.

Greg Petesch said it would depend on who the bill is assigned to. Drafters have to work on bills in order of LC number received. If the bill was assigned to Mr. Pearson to draft, Senator Gage could get the bill today.

Senator Van Valkenburg asked if Mr. Person made the mistake of allowing this to come to the Senate with an appropriation in it.

Mr. Petesch said he did not know. If the statutory appropriation is reflected in the title it is supposed to have a mark on the bill.

Senator Gage said it is the Department of Revenue bill and he should have caught it before. He said this bill may not have to go anywhere because there is a generic bill that covers all tax sharing agreements with tribes and if that one goes through then this particular bill can be tabled. He said there was no real hurry necessarily that this bill get back into the House.

EXECUTIVE ACTION ON SB 107

Motion: Senator Crippen moved that SB 107 be Tabled.

Vote: The motion to Table SB 107 carried unanimously.

ADJOURNMENT

Adjournment: The meeting adjourned at 4 p.m.



SENATOR GREG JERGESON, Chair



JANEAN MEACHAM, Secretary

GJ/jm

ROLL CALL

SENATE COMMITTEE

RULES

DATE _____

1/11/92

[illegible]

F08

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

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January 11, 1993

MR. PRESIDENT:

We, your committee on Rules having had under consideration Senate Resolution No. 1 (first reading copy -- white), respectfully report that Senate Resolution No. 1 be adopted.

Signed: Greg Jergeson
Senator Greg Jergeson, Chair

SENATE STANDING COMMITTEE REPORT

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January 11, 1993

MR. PRESIDENT:

We, your committee on Rules having had under consideration Senate Joint Resolution No. 9 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 9 be adopted.

Signed: Greg Jergeson
Senator Greg Jergeson, Chair