

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN RUSSELL FAGG, on April 22, 1993, at  
10:30 a.m.

**ROLL CALL**

**Members Present:**

Rep. Russ Fagg, Chairman (R)  
Rep. Dave Brown, Vice-Chairman (D)  
Rep. Ellen Bergman (R)  
Rep. Jody Bird (D)  
Rep. Vivian Brooke (D)  
Rep. Duane Grimes (R)  
Rep. Scott McCulloch (D)  
Rep. Angela Russell (D)  
Rep. Tim Sayles (R)  
Rep. Liz Smith (R)  
Rep. Bill Tash (R)  
Rep. Howard Toole (D)  
Rep. Tim Whalen (D)  
Rep. Karyl Winslow (R)  
Rep. Diana Wyatt (D)

**Members Excused:** Rep. Randy Vogel  
Rep. Bob Clark  
Rep. Jim Rice

**Members Absent:** No members absent

**Staff Present:** John MacMaster, Legislative Council  
Beth Miksche, Committee Secretary

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

**Committee Business Summary:**

Hearing: HB 693  
Executive Action: HB 693

**HEARING ON HB 693**

**Opening Statement by Sponsor:**

REP. JAY STOVALL, HD 98, Billings. A BILL FOR AN ACT

ENTITLED: "AN ACT INCREASING THE MEMBERSHIP OF THE COMMITTEE ON INDIAN AFFAIRS; AMENDING SECTION 5-19-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

REP. STOVALL presented amendments and explained that HB 693 amends section 5-19-102 to change Indian Affairs Committee members from two to four in the House and Senate. EXHIBIT 1.

**Proponents' Testimony:**

REP. BOB GERVAIS, HD 9, Browning, expressed two strong concerns about HB 693. His first concern was, if the number of members are increased in this bill, without any absolute guarantee that there would be more money, this bill is just defeating the entire purpose. He believes that increasing the number of people will decrease the meetings, and affordable on the reservations. His second concern is, when there is a larger number of members of people, the diversity may not necessarily improve.

Dave Boyer, Research Director, Legislative Council, explained REP. STOVALL'S amendments. He said when the bill was drafted there were no funds to pay for the additional four members joining the committee. Mr. Boyer discussed this with REP. STOVALL to include options to allow mileage, per diem, salaries, etc. to be reimbursed. Access to some additional money was added into HB 2 in the Senate so that there would not be any additional general fund appropriations, but there would be more money to allocate specifically to the Indian Affairs Committee. Additionally, REP. STOVALL has worked with some of the tribes, and they will contribute some of the funds in support of this effort.

**Opponents' Testimony:**

REP. CARLEY TUSS, HD 35, Black Eagle, asked the committee to consider that by increasing the size of the committee beyond the level of people who are truly interested in being on the committee, there may be appointees who are not interested in Native American affairs. Therefore, they would not actively participate in the committee, lose sight of the committee objectives and Native Americans' needs and rights.

**Questions From Committee Members and Responses:**

REP. TIM WHALEN expressed his concern about the bill because it changes the balance on the committee so that there will actually be more legislators than there would be non-legislative members. It concerns REP. WHALEN because he's not familiar with the dynamics of the Indian Affairs Committee, and secondly, he asked if the members are currently voting members on the Committee?

REP. GERVAIS said the purpose of the Indian Affairs Committee is not to draft bills, the purpose of the Committee is to maintain good relations between Indian and non-Indian people. REP. GERVAIS added that the Indian Affairs Committee meetings are open

to the public to ensure that the general public understands what all the issues are. He emphasized that, like SB 368, this is a government-to-government relationship.

**Closing by Sponsor:**

REP. STOVALL said the purpose of this bill is get people to understand the Native American's needs and rights.

**EXECUTIVE ACTION ON HB 693**

**Motion:** REP. BILL TASH moved Mr. MacMaster's amendment. EXHIBIT 2.

**Discussion:**

Mr. MacMaster explained his amendment to the committee. He referred to line 18 of the bill which says, "Appointments must be made before final adjournment of a regular session."

Mr. MacMaster said there's a good chance Gov. Racicot won't sign this bill until after final adjournment, therefore, it won't be law until after final adjournment. If the committee members have to be appointed before final adjournment, there is a problem with the bill. This amendment takes care of that. It says that the Senate Committees on Committees and the Speaker of the House can, within 30 days after Gov. Racicot signs the bill, appoint committee members. This amendment refers to this bill only.

**Motion:** REP. WHALEN moved to vote on the amendments separately which was acceptable to CHAIRMAN FAGG and the committee.

**Vote:** Question was called on Mr. MacMaster's amendment that committee members can be appointed 30 days after Gov. Racicot signs the bill. Motion carried unanimously 18-0.

**Motion:** Question was called on REP. STOVALL'S amendment which states that the "Legislative Council may not expend more than \$5,000 from the account in the special revenue fund during the 1995-95 biennium."

**Vote:** Amendment failed 7-6. Those voting for the amendment were CHAIRMAN FAGG, REPS. VOGEL, SAYLES, and GRIMES. Those voting against the amendment were REPS. BIRD, BERGMAN, BROOKE, BROWN, MCCULLOCH, WHALEN and WYATT. REPS. CLARK and RICE did not vote.

Further discussion on the bill as amended.

REP. DAVE BROWN stated he is against any outside money being solicited for legislators, and therefore, he is opposed to the bill.

REP. SCOTT MCCULLOCH said if the bill would pass, the funds would come from HB 2, and it will do more harm to current fiscal conditions.

**Vote: HB 693 DO PASS AS AMENDED. Motion carried 10-6. Those voting to pass the bill are CHAIRMAN FAGG, REPS. VOGEL, GRIMES, RUSSELL, SAYLES, SMITH, TASH, TOOLE, WHALEN, and WINSLOW. Those voting not to pass the bill are REPS. BROWN, BIRD, BERGMAN, BROOKE, McCULLOCH and WYATT.**

ADJOURNMENT

Adjournment: 11:30 a.m.

Russell C. Fagg  
RUSSELL FAGG, Chair

Beth Miksche  
BETH MIKSCHKE, Secretary

RF/bcm

## HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL

DATE

4-22-93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Russ Fagg, Chairman	✓		
Rep. Randy Vogel, Vice-Chair			✓
Rep. Dave Brown, Vice-Chair	✓		
Rep. Jodi Bird	✓		
Rep. Ellen Bergman	✓		
Rep. Vivian Brooke	✓		
Rep. Bob Clark			✓
Rep. Duane Grimes	✓		
Rep. Scott McCulloch	✓		
Rep. Jim Rice			✓
Rep. Angela Russell	✓		
Rep. Tim Savles	✓		
Rep. Liz Smith	✓		
Rep. Bill Tash	✓		
Rep. Howard Toole	✓		
Rep. Tim Whalen	✓		
Rep. Karyl Winslow	✓		
Rep. Diana Wyatt	✓		

HR:1993

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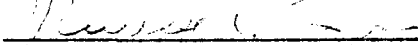
CS-09

HOUSE STANDING COMMITTEE REPORT

April 22, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 693 (first reading copy -- white) do pass as amended.

Signed:   
Russ Fagg, Chair

And, that such amendments read:

1. Page 1, line 20.

Following: line 19

Insert: "NEW SECTION. Section 2. Appointments -- 1993. If [this act] is not approved before final adjournment of the 53rd legislature and in time for the senate committee on committees and the speaker of the house to make appointments, the committee on committees and the speaker of the house may make the appointments within 30 days after [the effective date of this act], and for this purpose, 5-19-102(3) does not apply and the committee on committees may meet by teleconference."

Renumber: subsequent section

Committee Vote:  
Yes 10, No 6.

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# HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

## ROLL CALL VOTE

DATE 4-22-93 BILL NO. HB 693 NUMBER 16

MOTION: Motion do pass as amended 10-6

NAME	AYE	NO
Rep. Russ Fagg, Chairman	✓	
Rep. Randy Vogel, Vice-Chair	✓	
Rep. Dave Brown, Vice-Chair		✓
Rep. Jodi Bird		✓
Rep. Ellen Bergman		✓
Rep. Vivian Brooke		✓
Rep. Bob Clark	NO	VOTE
Rep. Duane Grimes	✓	
Rep. Scott McCulloch		✓
Rep. Jim Rice	NO	VOTE
Rep. Angela Russell	✓	
Rep. Tim Sayles	✓	
Rep. Liz Smith	✓	
Rep. Bill Tash	✓	
Rep. Howard Toole	✓	
Rep. Tim Whalen	✓	
Rep. Karyl Winslow	✓	
Rep. Diana Wyatt		✓
	10	6



Amendments to House Bill No. 693  
First Reading Copy

Requested by Rep. Stovall

Prepared by Dave Bohyer  
April 21, 1993

1. Page 1.

Following: line 19

Insert: "NEW SECTION. Section 2. Coordination. If [this act] and House Bill No. 2 are both passed and approved, the following amendment is made to House Bill No. 2, reference copy:

1. Page A-3, line 15.

Following: ". "

Insert: "The legislative council shall allocate adequate funds from the amount reappropriated to accommodate an eight-member committee on Indian affairs. The legislative council may also accept, on behalf of the committee, gifts, grants, or donations that may not, in total, exceed \$5,000. Money received from gifts, grants, or donations must be deposited in an account in the state special revenue fund to the credit of the legislative council for use by the committee on Indian affairs. The legislative council may not expend more than \$5,000 from the account in the special revenue fund during the 1994-95 biennium."

Renumber: subsequent section

Amendments to House Bill No. 693  
First Reading Copy

For the Committee on the Judiciary

Prepared by John MacMaster  
April 22, 1993

1. Page 1, line 20.

Following: line 19

Insert: "NEW SECTION. Section 2. Appointments -- 1993. If  
[this act] is not approved before final adjournment of the  
53rd legislature and in time for the senate committee on  
committees and the speaker of the house to make  
appointments, the committee on committees and the speaker of  
the house may make the appointments within 30 days after  
[the effective date of this act], and for this purpose,  
5-19-102(3) does not apply and the committee on committees  
may meet by teleconference."

Renumber: subsequent section

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

House Jud COMMITTEE BILL NO. 693  
DATE 4-22-93 SPONSOR(S) Stovall

**PLEASE PRINT**

**PLEASE PRINT**

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.