

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE/FEDERAL RELATIONS**

**Call to Order:** By **CHAIRMAN AUBYN CURTISS**, on March 9, 1995, at 5:00 p.m.

#### **ROLL CALL**

##### **Members Present:**

Rep. Aubyn A. Curtiss, Chairman (R)  
Rep. Roger Somerville, Vice Chairman (Majority) (R)  
Rep. George Heavy Runner, Vice Chairman (Minority) (D)  
Rep. Matt Brainard (R)  
Rep. Patrick G. Galvin (D)  
Rep. Daniel W. McGee (R)  
Rep. Judy Murdock (R)  
Rep. William R. Wiseman (R)

##### **Members Excused:**

Rep. Robert J. "Bob" Pavlovich (D)  
Rep. Ray Peck (D)

##### **Members Absent:**

Rep. Bill Carey (D)

**Staff Present:** Patti Borneman, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HJR 27  
Executive Action: SB 167 BE CONCURRED IN  
HJR 27 DO PASS AS AMENDED

{Tape: 1; Side: A; Approx. Counter: 010; Comments: n/a.}

#### **HEARING ON HJR 27**

##### **Opening Statement by Sponsor:**

**REP. MATT MCCANN, HD 92**, said the purpose of this resolution is to urge Congress to provide constitutional status to the line item veto, which would allow the President to make selected cuts rather than kill the entire bill. There are two bills that will soon appear on the floor of the U.S. Senate. The first bill would allow for proposed cuts to automatically take effect unless Congress voted by a two-thirds margin to overturn them. The

second bill would require Congress to vote on a Presidential proposed package of spending cuts, which would be put in place if passed by a majority of both chambers. This is the legislation that is being considered for a line item veto, and both bills would give greater presidential power to "weed out pork."

**REP. MCCANN** said he didn't bring any proponents to testify because he didn't know if there would be any resistance. This resolution would encourage Congress to give the line item veto constitutional status. He said the term "enhanced recision"\* needed explanation and said it is federal language for statutory law, which can be repealed by the next Congress.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

**REP. MATT BRAINARD** said this applies only to appropriations bills, so it would not allow the President to change other types of bills.

**REP. PAT GALVIN** asked for the meaning of enhanced recision. **REP. MCCANN** said he researched the meaning of this and first went to the Legislative Council Librarian who told him it meant immediate effective cuts, but was also given the definition of statutory law. He said the point of the resolution is to put the line item veto in constitutional status.

**REP. GALVIN** suggested the words United States should be added to the title and in the body of the bill, such as how it reads on line 7. He wondered if it is necessary to add United States all the way through, or is it just understood. He said, to him, "enhanced recision" meant an enlarged or greater reduction. He said maybe they should go for this since it seems to be "the thing."

**REP. BRAINARD** asked if the sponsor knew how many governors have the line item veto. **REP. MCCANN** said he didn't, but that the Montana governor has it.

**REP. GEORGE HEAVY RUNNER** mentioned the balanced budget amendment that recently failed in the U.S. Congress and asked **REP. MCCANN** what the likelihood was of the line item veto being passed.

*\*Recision is the correct spelling of this word and according to the Oxford English Dictionary means "The action of cutting back or pruning."*

REP. MCCANN said the McCain version of the line item veto is his preference, but believed one of the two will be chosen. He didn't know which one.

REP. HEAVY RUNNER asked if it has a good chance of passing. REP. MCCANN said it does have a good chance.

REP. HEAVY RUNNER clarified that it has the support of both houses of Congress and the sponsor agreed. REP. MCCANN said the U.S. House of Representatives passed the McCain bill 294-134 with 71 Democrats voting in favor.

REP. BILL WISEMAN stated that there are three popular wishes of the citizens of the U.S.: a balanced budget, the line item veto, and term limitations on the national level.

CHAIRMAN AUBYN CURTISS asked REP. MCCANN if there are other states preparing resolutions similar to this one. REP. MCCANN said that Montana is one of the last states to forward a resolution.

REP. ROGER SOMERVILLE asked if that is because the Montana legislature meets every other year or because the other states started sooner. REP. MCCANN said he didn't know.

REP. SOMERVILLE asked the sponsor if he could propose an amendment to add United States before Congress in the bill on lines 5, 11 and 16. REP. MCCANN said he wouldn't mind if that addition was made.

Closing by Sponsor:

REP. MCCANN said he believed the line item veto would be a major reform of the federal spending process. It is supported by the American people and with the committee's passage, the people of Montana would be proud to send it on to Congress.

{Tape: 1; Side: A; Approx. Counter: 335; Comments: n/a.}

EXECUTIVE ACTION ON SB 167

Motion: REP. MATT BRAINARD MOVED THAT SB 167 BE CONCURRED IN.

Discussion:

REP. PAT GALVIN said he had a discussion with Mr. Brooks and Mr. Tutwiler, who were opponents during the hearing. They discussed the challenge to Article 6, whether or not it's a seditionist bill, and how the issue of culture and custom might affect the state of Montana. He said they all agreed that everything contained in the bill already exists, except for the process.

**REP. JUDY MURDOCK** said this bill calls attention to government mandates and she would be in favor of that.

**REP. SOMERVILLE** said this bill would give them a chance to see what's coming from the federal government and to evaluate what is good and what is bad and the impact on the state. He said this should be done every ten years to determine what the state is doing right or wrong, and supported the bill under the premise that the state should be doing such self-evaluations anyway.

**REP. WISEMAN** said the climate is changing and Congress is "at last about to get the message that American people are fed up" and the time is right as a state to do this kind of evaluation. He said if Montana would do it along with all the other states, they would have less federal mandates. He briefly reiterated the experience with air quality monitoring in Great Falls, which he described at the hearing. He said enough is enough and since they don't really know how Montana is being impacted, it's time to find out.

**CHAIRMAN CURTISS** reminded the committee about the catalog of mandates that was distributed to them at their first meeting (1/19/95) and stated that these mandates affect every state agency. Thirty percent of Montana's state budget is federal money. She said what they need to look at in the various agencies is how much money they get initially when a program is started (federal money has often been used to start a program "like a carrot to the donkey"), then they get locked into a program, the funding is withdrawn leaving the agency hanging in a financially precarious position.

**REP. GALVIN** stated on page 7, starting on line 23, it says everything, if it were only put into effect.

**CHAIRMAN CURTISS** said the bill would direct agencies to evaluate the grants they receive, make recommendations to the governor, and the governor in turn would take some kind of action.

**REP. WISEMAN** said he would expect the federal government to drastically cut back spending in the coming years, so it's even more important for the state to know what mandates exist and what they cost.

**REP. HEAVY RUNNER** said he was opposed to this legislation because at the hearing he asked for a fiscal note and the lack of one wasn't explained to him very well. He talked to the Secretary of the Senate and after reading a letter from Dave Lewis, he determined that action to produce a fiscal note was stalled. He believed there would be a fiscal impact and hoped by the time it gets to the floor, that there would be a fiscal note to look at. He took into account the additional workload of agencies to fulfill the directives of the bill. He said the bill is too vague and open-ended, especially on page 9 where it states that the legislature may request the assistance of any staff employed

by the legislature. New section 8 is also too vague and open-ended. He said it wasn't sufficiently explained to him.

**REP. DAN MCGEE** said on page 6, lines 3-15, it sets off a program for how it will work. He read the beginning of this section and said once the bill takes effect, state agencies will start documenting the information. He mentioned report recommendations outlined at the bottom of page 7 and beginning on page 8. He said it isn't real specific, but there is some order. He wondered if this was acceptable to **REP. HEAVY RUNNER**.

**REP. HEAVY RUNNER** said no, that it precisely proved his point that there would be additional costs for the time spent in analyzing the federal dollars that the state received, whether or not it falls within the confines of what they may determine as cost effectiveness, or if it conforms with Montana custom and culture. So there is a lot of interpretation that will need to be done. He said he would have felt better to have some idea of the fiscal impact.

**REP. MURDOCK** said she couldn't imagine that it isn't already an ongoing process and should already be integrated in state government.

**CHAIRMAN CURTISS** informed the committee that the Legislative Council serves at the pleasure of the Legislature and work year round. They can help with this project and it wouldn't be a burden to them.

**REP. HEAVY RUNNER** said again he wanted to see what the fiscal note would say, even though it would only be an assumption.

**REP. SOMERVILLE** stated he was positive that the data had already been generated, but also agreed with **REP. HEAVY RUNNER** that they haven't assessed the impact on Montana, but have only looked at the project itself.

*{Tape: 1; Side: B; Approx. Counter: 000; Comments: n/a.}*

**REP. MCGEE** described how they get information from agency representatives, for instance, in committee hearings. He said the problem is that the figures are usually in their heads, and not written down. He commented to **REP. SOMERVILLE** that the information is "out there kind of" but is not where they can put their hands on it and see it. This bill will create a new document that will speak specifically to these issues.

**REP. GALVIN** asked if it would be appropriate to ask for a fiscal note or explanation.

**CHAIRMAN CURTISS** said that **REP. HEAVY RUNNER** has already done that and would be checking on it.

**CHAIRMAN CURTISS** said they could hold it from the floor until this information becomes available.

**REP. HEAVY RUNNER** commented that the committee will find out which law supersedes the other. He said it's been the old standard line that federal law supersedes state law, so the state may get a good education in terms of impacts. As far as the tribes are concerned, there may be some impact to them as well.

**REP. BRAINARD** called the question.

**Vote:** A voice vote was taken. The motion carried 8-2 with **REPS. HEAVY RUNNER** and **GALVIN** voting no. **REP. RAY PECK** voted yes by proxy.

#### EXECUTIVE ACTION ON HJR 27

**Motion:** **REP. MCGEE** MOVED THAT HJR 27 DO PASS. **REP. MCGEE** MOVED THE AMENDMENTS.

#### Discussion:

**REP. MCGEE** said the amendments would include the words "United States" on line 5 after the word "urging" and before the word "Congress," on line 11 after the comma and before the word "Congress," and on line 16 after the word "that" and before the word "Congress."

**Vote:** The motion to adopt the amendments carried unanimously.

**Motion:** **REP. MCGEE** MOVED HJR 27 DO PASS AS AMENDED.

#### Discussion:

**REP. MCGEE** asked if they want their resolution to use the term "enhanced rescission."

**REP. HEAVY RUNNER** thought it would make for good discussion on the floor.

**REP. SOMERVILLE** asked if "President" in the bill referred to the President of the United States or the President of the Senate.

**REP. MCGEE** said that was a good point.

**CHAIRMAN CURTISS** thought because it refers to the United States Congress, that it would be clear which president it is.

**REP. MCGEE** said he had no problem with adding that in, and asked to add President of the United States on line 7 as a friendly amendment.

**REP. SOMERVILLE** said there are two places in the bill.

HOUSE STATE/FEDERAL RELATIONS COMMITTEE

March 9, 1995

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**REP. MCGEE** said it would be a friendly amendment, one that has already been acted on, to add "of the United States" on line 7 and line 17.

**Vote:** The motion carried unanimously.

ADJOURNMENT

Adjournment: 5:50 p.m.

  
AUBYN CURTISS, Chairman

  
PATTI BORNEMAN, Secretary

AC/pb



# HOUSE OF REPRESENTATIVES

## State/Federal Relations

ROLL CALL

DATE 3/9/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Aubyn Curtiss, Chairman	✓		
Rep. Roger Somerville, Vice Chair, Majority	✓		
Rep. George Heavy Runner, Vice Chair, Min.	✓		
Rep. Matt Brainard	✓		
Rep. Bill Carey		✓	
Rep. Pat Galvin	✓		
Rep. Daniel McGee	✓		
Rep. Judy Rice Murdock	✓		
Rep. Bob Pavlovich		<del>yes</del>	✓
Rep. Ray Peck			✓
Rep. Bill Wiseman	✓		

Peck  
proxy  
for  
SB 167  
yes



## HOUSE STANDING COMMITTEE REPORT

March 10, 1995

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Mr. Speaker: We, the committee on State/Federal Relations report that Senate Bill 167  
(third reading copy -- blue) be concurred in.

Signed: *Aubyn Curtiss*  
Aubyn Curtiss, Chair

Carried by: Rep. Curtiss

Committee Vote:  
Yes 8, No 2.

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## HOUSE STANDING COMMITTEE REPORT

March 10, 1995

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Mr. Speaker: We, the committee on State/Federal Relations report that **House Joint Resolution 27** (first reading copy -- white) do pass as amended.

Signed: *Aubyn Curtiss*  
Aubyn Curtiss, Chair

**And, that such amendments read:**

1. Title, line 5.  
Following: "URGING"  
Insert: "THE UNITED STATES"
2. Page 1, line 7.  
Following: "President"  
Insert: "of the United States"
3. Page 1, line 11.  
Following: "WHEREAS,"  
Insert: "the United States"
4. Page 1, line 16.  
Following: "That"  
Insert: "the United States"
5. Page 1, line 17.  
Following: "President"  
Insert: "of the United States"

-END-

Committee Vote:  
Yes 8, No 0.

561354SC.Hbk

REPRESENTATIVE ROBERT J. "BOB" PAVLOVICH      HOUSE SEAT # 64

## COMMITTEE MEETING RESCHEDULE/CHANGE NOTICE

The HOUSE STATE/FEDERAL RELATIONS COMMITTEE scheduled to meet on THURSDAY, March 9, 1995 at 11:00 A.M. in Room 420 has been changed to THURSDAY, March 9, 1995 at 5:00 P.M. in Room 317. Bills to be heard are:

HJR 27; EXECUTIVE ACTION ON SB 167

March 8, 1995 -- 4:23pm

Patti Borneman, Secretary

Phone: 4838