MINUTES OF MEETING

HOUSE RULES COMMITTEE

MONTANA STATE LEGISLATURE

January 26, 1977

The meeting of the House Rules Committee was called to order by Rep. Meloy, Chairman, on the above date in Room 343 at 1:00 P.M.

Members of the committee present were:

Rep. Bardanouve	Rep. Kvaalen	Rep. Meloy
Rep. Bradley	Rep. Marks	Rep. Moore
Rep. Brand		

Rep. Driscoll and Rep. Fagg were absent.

Rep. Meloy stated that the Rules Committee should discuss the method of handling problems such as those which arose on the floor yesterday regarding HB 84. Rep. Meloy said that the motion should have been to pass consideration, that the rule says a motion is not supposed to be renewed. He mentioned that Mason's Manual states that once a motion is rejected, it's rejected for the session.

Rep. Marks mentioned that there was a sleeping rule that permitted a vote on a measure until a motion is successful. He said the third motion was claimed to be out of order, on the basis of Mason's Manual.

Rep. Meloy said there would be a problem if the renewal of a killing motion were permitted. He felt that the bill didn't have to be segregated and that it should have been passed for the day. He did not think the House could make a rule that would contradict a joint rule.

Rep. Kvaalen said that a motion to reconsider should be in order in committee of the whole.

Rep. Meloy thought that if two main motions failed, then a motion to reconsider was in order.

Rep. Marks felt it should be if affirmative action was taken on the bill, then a motion to reconsider would be proper, or, if a positive action has not been taken, further motions are in order or may be repeated.

Rep. Bradley moved that if a motion to do pass and to do not pass or to indefinately postpone both fail on second reading, then a motion to reconsider is in order in committee of the whole.

Rep. Kvaalen suggested that a House Resolution might be adopted.

Rep. Meloy suggested that he move from the floor that a new rule be adopted, and announce that it had already been through the Rules Committee.

A vote was taken on Rep. Bradley's motion. The motion carried unanimously.

Rep. Kvaalen then brought up his concern over "repealers," particularly HB 81.

Rep. Bardanouve didn't see how a repealer could be amended.

Rep. Meloy said that we should look for the reason why the section is being repealed, that it was probably in the title.

Rep. Kvaalen said that the title never says why it is being repealed.

Rep. Meloy said that generally the purpose in HB 81 was to correct a conflict. He said that an amendment could do the same thing as a repealer, that is, remove a conflict. He felt that each bill should be handled on a case by case basis and that the sponsor of the bill could tell why he is amending a repealer.

Rep. Kvaalen thought that the way to handle it would be to kill the committee bill and refer it to the Rules Committee.

Rep. Meloy said that he would request that HB 81 be moved to the Rules Committee.

There being no further business, the meeting was adjourned at 1:30 P.M.

Peter M. Meloy, Chairman