

MINUTES OF MEETING  
HOUSE RULES COMMITTEE  
MONTANA STATE LEGISLATURE

February 9, 1977

The meeting of the House Rules Committee was called to order by Rep. Meloy, Chairman, on the above date in Room 343 at 4:05 P.M.

Members of the committee present were:

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

Also present were Representatives Kimble, J. Gunderson, J.D. Lynch, Gilligan, Scully, Tropila, Mular, Aageson, and Assistant Chief Clerk Ed Smith.

The matter to be considered by the committee was whether a motion to pass consideration is in order on a bill when that bill comes up on the calendar on third reading.

Rep. Marks read from Mason's Manual of Legislative Procedure, page 523, Section 736(3), as follows: "Motions affecting bills on third reading are not in order, even under that order of business, until the particular bill is reached upon the calendar."

Rep. Driscoll then read from Section 261(2), page 202, of Mason's Manual, as follows: "The items on the calendar or orders of the day, as a group, cannot be laid on the table nor postponed, but an individual item, after it has been taken up, may, by a majority vote, be laid on the table, postponed or referred to a committee, and so the matters may be disposed of and the consideration of the question previously pending may be resumed."

Rep. Kimble said that he thought if the intent of Section 261 were to allow a motion to postpone for the day, that it would so state. There is no reference in committee of the whole to this type of motion. Section 261 is not specific. Section 736 does allow for motions on order of business number 6 before third reading. He didn't feel this could be interpreted as allowing motions in the middle of order of business number 9.

Rep. Scully thought the Rules Committee should correct an oversight in the Joint Rules to allow motions on second reading or prior to third reading. Mason's Manual infers there are motions available on third and that the proper time for motions is when the bill comes up on the calendar. The Joint Rules take precedence over Mason's and this has been an oversight in the Joint Rules. The Rules Committee needs to establish a policy.

Rep. Mular felt that in the absence of anything specific, the Joint Rules should be acceded to.

Rep. Driscoll said Joint Rule 5-2 was misleading and that a lot of other motions are not available on second reading. Mason's Manual says that motions can be made on third reading.

Rep. Scully said that it was not just 5-2 that was misleading, that 5-7 did the same thing, and maybe 5-8 also.

Rep. Kimble didn't think we should allow arbitrary motions at any time and that these types of motions were not appropriate. If they were, the rules would have said so specifically.

Rep. Marks didn't think there was anyplace that prohibited motions on third reading. Mason's Manual allows motions on third and he mentioned that the one Rep. Bardanouve made had been in order.

Rep. Kvaalen felt that rules couldn't be made by implication and that Mason's Manual should rule in cases not covered by the Joint Rules. He felt that Section 736 was unclear also.

Rep. Moore remarked that the calendar is the order of business, that the order of business on third reading is the calendar for the day.

Rep. Scully felt that the Rules Committee should make a policy as to which motions to accept.

Rep. Meloy said that we previously had permitted motions to refer from third reading to be made at the time the question came up on third. He felt that this was a different situation. The question involves a motion to pass consideration on third reading. There seems to be an ambiguity between Mason's Manual and the Joint Rules. He then called for a motion to be made.

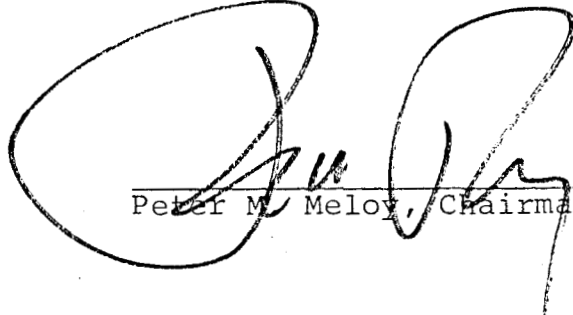
Rep. Marks moved that the motion concerning passage for the day be deemed in order.

Rep. Kvaalen mentioned that there had been motions to amend and that motions to amend were out of order on third. The motion should be to pass consideration for the day.

Rep. Meloy stated that to pass consideration is a rearrangement of the calendar and that the calendar can be rearranged at that point. The bills were then put at the top of third reading on the following day.

A vote was taken. Rep. Brand voted nay, Rep. Bardanouve abstained, and all others voted aye. The motion carried.

There being no further business, the meeting adjourned at 4:25 P.M.



Peter M. Meloy, Chairman