

MINUTES OF MEETING

HOUSE RULES COMMITTEE

MONTANA STATE LEGISLATURE

March 12, 1977

The meeting of the House Rules Committee was called to order by Rep. Meloy, Chairman, on the above date in Room 343 at 12:10 P.M.

Members of the committee present were:

Rep. Bardanouve	Rep. Kvaalen
Rep. Brand	Rep. Marks
Rep. Driscoll	Rep. Meloy

Representatives Bradley, Fagg, and Moore were absent.

Rep. Meloy stated that there were several problems that needed to be discussed. The first is that the Senate has been killing bills in committee and we don't hear about it until it's too late to object. The bills are killed, the adverse committee report is read, then we are notified of the adoption of the adverse committee report. There is no notice in time to object. It was going to startle individual members that their bills were killed in committee. It works in the House because of the twenty-four hour rule, but the Senate doesn't have this rule. The secretary of each committee informs the individual members of the House when a bill receives an adverse committee report. They hear about the Senate committee killing their bills when it is announced from our rostrum, and by then it's too late.

Another problem that has come up concerns Saturday meetings. On Saturday we convene in the morning and the Senate convenes in the afternoon. The Senate has hearings in the mornings and we are losing a lot of members from the House.

Also, Rep. Fagg's motion to reconsider Rep. Kvaalen's motion to recall a bill from the Senate needed to be discussed.

Rep. Marks moved that Rep. Fagg's motion be deemed improper.

Rep. Meloy said that Mason's Manual states that you can't make a motion to reconsider a motion to reconsider.

Rep. Driscoll said the reason that a motion to reconsider a motion to reconsider is not proper is a procedural matter. It was a substitute motion. Rep. Fagg should have had a motion to recall because the letter requesting the recall was already in the Senate. The motion was never made to have it sent back. The letter hadn't been read from the rostrum but it was in the Senate office. The motion was substantive, not procedural.

Rep. Meloy said that Mason's Manual does clearly state that you cannot take action on matters over which you have no authority. Technically, it couldn't be reconsidered.

Rep. Driscoll said the letter would have to be recalled first.

Rep. Meloy asked if the committee couldn't come up with a rule concerning this. Possibly, a motion to reconsider being deemed in order as long as the Senate has not received the letter. He asked if we wanted to permit re-referral of bills with adverse committee reports back to the committee.

Rep. Kvaalen asked if there wasn't already a rule that says that can be done.

Rep. Driscoll said we had the twenty-four hour rule. He asked if the committee thought the committee report should be debated immediately.

Rep. Meloy said that House Rule 7-3 needed to be added to in order to clarify this.

Rep. Driscoll said a bill may be passed for the day but it can't be taken from second reading. Much debate must be gone through, like J.D. Lynch had to do to persuade people to send a bill back to committee.

Rep. Bardanouve said that was not a very orthodox way of doing things.

Rep. Marks stated that a bill is on second reading simply by a person protesting the adverse committee report.

Rep. Bardanouve said that was ignoring the committee report completely.

Rep. Meloy said the situation could definately be taken advantage of. He suggested a rule which said that if a bill were to be referred back to a committee from second reading, then it must go back to the same committee from which it came.

Rep. Driscoll said the only motions possible are to pass consideration or refer back to the committee from which it came.

Rep. Meloy said he didn't like the idea of not being able to take a bill off of second reading.

Rep. Driscoll said the only reason for a bill being on second reading is for debate.

Rep. Marks said if a bill were inappropriately placed the first time, then the sponsor couldn't get another shake out of it.

Rep. Driscoll said the sponsor could make a motion on order of business number six to re-refer.

Rep. Bardanouve said they were still ignoring the original committee report.

Rep. Marks said that where a bill had been placed on second reading because of objection to an adverse committee report, the only motions available are to re-refer to the same committee, pass for the day, or pass consideration.

Rep. Meloy asked what would happen if a bill is on the board, and a person makes a motion before second reading.

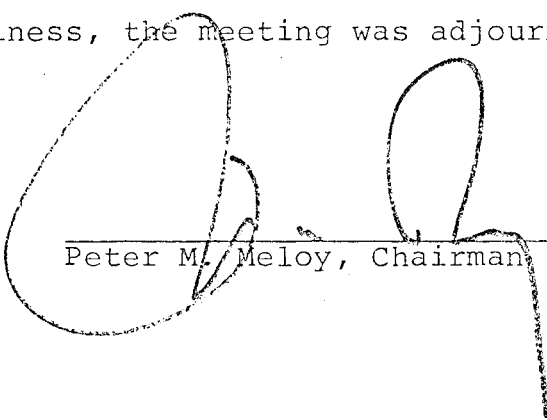
Rep. Kvaalen said that if a bill comes out of committee with a do not pass recommendation, he would rather make amendments to it in the committee than in committee of the whole.

Rep. Driscoll then moved that a new paragraph be added to House Rule 7-3 as follows: Prior to action on second reading, no bill with an adverse committee report may be re-referred to any committee after placement on second reading except for the Rules Committee, the Appropriations Committee, or the committee from which the bill came.

A vote was first taken on Rep. Marks motion that Rep. Fagg's motion be deemed improper. The motion carried unanimously.

A vote was then taken on Rep. Driscoll's motion to modify House Rule 7-3. The motion carried unanimously.

There being no further business, the meeting was adjourned at 12:40 P.M.



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Peter M. Meloy, Chairman