

## MINUTES

### JOINT RULES COMMITTEE

The Joint Rules Committee met in room 225 of the capitol on April 19, 1977. Senator Murphy called the meeting to order at 10:20 p.m. All members were present. Also present were quite a number of interested people, newsmen and legislators.

Representative Meloy stated that we may not be through by 12:00 midnight. He said that there was no way that the bills would reach enrolling tonight. He thought that the issue of signing bills passed on third reading should be settled now. This was followed by discussion.

Senator Hazelbaker said that it was in the rules that bills shall be signed in the open session. If we suspend the rules and third reading passes both house, we could suspend the rules and close up tonight.

Representative Meloy agreed with this. He then read from Masons' Section 445 No. 4.

"The houses of a legislature may make their records show that all their business was transacted before the time fixed for final adjournment."

Senator Roberts then said that Section 781 No. 4 seems to allow quite a bit a leeway.

"It is a matter of common knowledge that legislatures almost universally do continue their sessions beyond the time fixed for their adjournment, and for the sake of regularity and form often stop the clock before the hour has arrived for adjournment so that in form the adjournment actually takes place at the proper moment of time. A legislative body has the power and right to determine for itself when the moment of time has arrived for adjournment, and it has the power to make its journals conform to what it determines to be that moment of time."

After some discussion Representative Meloy moved that each house suspend the rules which require the signature of bills be made in open session and that the same motion include another motion which would reflect in today's journal those bills that will be signed tomorrow. Motion seconded by Senator Hazelbaker. There then followed considerable discussion on this motion and debate on the interpretation of what the constitution of Montana said.

Representative Bardanouve said that this does not mean that we can continue on beyond midnight, but just be limited to signing the bills.

Representative Meloy said that he thought they could.

Senator Turnage said that instead of suspending the rules, he thought that we should adopt a rule. He then read the following suggested rule. Representative Meloy said that he would agree to this. Representative Marks said that if this were done, he would be concerned about the status of the bills after 90 days.

Representative Meloy stated that all the constitution says is referred to as a legislative day rather than a calendar day. The discussion then followed on the new and old constitution and the differences of calendar days and legislative days.

Senator Turnage then moved that a new Joint Rule be adopted:

JR 6-21.1 "For the purpose of the 45th Legislative Assembly, any bill that has passed both houses of the Legislature by the 90th day may be enrolled, approved by a sponsor, signed by the presiding officers and delivered to the Governor not later than 3 days thereafter."

The Legislative Council shall certify that any such bill so enrolled, approved by a sponsor, signed by the presiding officers and delivered to the Governor is a true and correct bill passed by both houses of the Legislature."

Representative Meloy then withdrew his previous motion. The question was called with 16 aye's and 1 No. Representative Brand voting no.

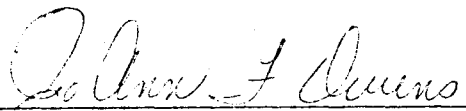
Representative Turnage then moved that for the purpose of determining the ending of the 90th legislative day for the 45th legislative assembly said day shall not end until adjournment sine die of both houses. This was followed by considerable discussion.

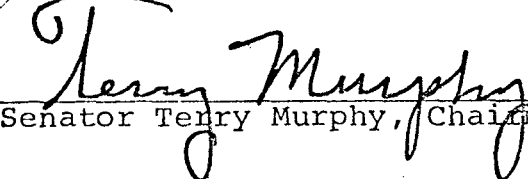
As a substitute motion to the above, Representative Driscoll moved that the 90th legislative day end at 12:00 midnight on the 90th legislative day. This motion was seconded by Rep. Brand. The vote taken on the substitute motion was 4 voting yes and 13 voting no. The substitute motion failed.

The question was then called on the previous motion. The motion carried with 14 voting aye and 3 voting no.

There being no further business, the meeting adjourned at 10:50 p.m.

Respectfully submitted,

  
Jo Ann F. Owens, Secretary

  
Senator Terry Murphy, Chairman

## JOINT RULES COMMITTEE

ROLL CALL VOTE ON

DATE 4/19/77

Present	Absent	Name of Member	Aye	No	Not Voting
		SENATE MEMBERS			
✓		HAZELBAKER, Frank			
✓		MCOMBER, Gordon			
✓		MATHERS, Bill			
✓		MURPHY, Terry, Chairman			
✓		ROBERTS, Joe			
✓		STEPHENS, Stan,			
✓		THIESSEN, Cornie			
✓		TURNAGE, Jean			
		HOUSE MEMBERS			
✓		BARDANOUVE, Francis			
✓		BRADLEY, Dorothy M.			
✓		BRAND, Joe			
✓		DRISCOLL, John			
✓		FAGG, Harrison			
✓		KVAALEN, Oscar S.			
✓		MARKS, Robert L.			
✓		MELOY, Peter M. (Mike)			
✓		MOORE, Jack K.			

MOTION:

*Robert A. Quinn*  
Secretary

# JOINT RULES COMMITTEE

ROLL CALL VOTE ON

DATE 4/19/77

Present	Absent	Name of Member	Aye	No	Not Voting
		SENATE MEMBERS			
		HAZELBAKER, Frank	✓		
		McOMBER, Gordon	✓		
		MATHERS, Bill	✓		
		MURPHY, Terry, Chairman	✓		
		ROBERTS, Joe	✓		
		STEPHENS, Stan,	✓		
		THIESSEN, Cornie	✓		
		TURNAGE, Jean	✓		
		HOUSE MEMBERS			
		BARDANOUE, Francis	✓		
		BRADLEY, Dorothy M.	✓		
		BRAND, Joe		✓	
		DRISCOLL, John	✓		
		FAGG, Harrison	✓		
		KVAALEN, Oscar S.	✓		
		MARKS, Robert L.	✓		
		MELOY, Peter M. (Mike)	✓		
		MOORE, Jack K.	✓		

MOTION: #2

*new rule JR 6-21.1*

*Jo Ann F. Owens*  
Secretary

## JOINT RULES COMMITTEE

ROLL CALL VOTE ON

P

DATE 4/19/77

Present	Absent	Name of Member	Aye	No	Not Voting
		SENATE MEMBERS			
		HAZELBAKER, Frank	✓		
		MCOMBER, Gordon	✓		
		MATHERS, Bill	✓		
		MURPHY, Terry, Chairman	✓		
		ROBERTS, Joe	✓		
		STEPHENS, Stan,	✓		
		THIESSEN, Cornie	✓		
		TURNAGE, Jean	✓		
		HOUSE MEMBERS			
		BARDANOUE, Francis	✓		
		BRADLEY, Dorothy M.	✓		
		BRAND, Joe		✓	
		DRISCOLL, John		✓	
		FAGG, Harrison		✓	
		KVAALEN, Oscar S.	✓		
		MARKS, Robert L.	✓		
		MELOY, Peter M. (Mike)	✓		
		MOORE, Jack K.	✓		

MOTION: #3

*William F. Owens*  
Secretary

JR 6-21.2

## JOINT RULES COMMITTEE

ROLL CALL VOTE ON

DATE 4/19/77

Present	Absent	Name of Member	Aye	No	Not Voting
		SENATE MEMBERS			
		HAZELBAKER, Frank		✓	
		MCOMBER, Gordon		✓	
		MATHERS, Bill		✓	
		MURPHY, Terry, Chairman	✓		
		ROBERTS, Joe		✓	
		STEPHENS, Stan,		✓	
		THIESSEN, Cornie		✓	
		TURNAGE, Jean		✓	
		HOUSE MEMBERS			
		BARDANOUVE, Francis		✓	
		BRADLEY, Dorothy M.		✓	
		BRAND, Joe	✓		
		DRISCOLL, John	✓		
		FAGG, Harrison	✓		
		KVAALEN, Oscar S.		✓	
		MARKS, Robert L.		✓	
		MELOY, Peter M. (Mike)		✓	
		MOORE, Jack K.		✓	

*John A. Quinn*  
Secretary

MOTION: #4

*substitute on #3*

*90th day leg. day end at 12:00 midnight  
on the 90th leg. day*

ADOPTED BY SENATE AND HOUSE

Move that we adopt a Joint Rule 6-21.1"

"For the purpose of the 45th Legislative Assembly, any bill that has passed both houses of the Legislature by the 90th day may be enrolled, approved by a sponsor, signed by the presiding officers and delivered to the Governor not later than 3 days thereafter."

The Legislative Council shall certify that any such bill so enrolled, approved by a sponsor, signed by the presiding officers and delivered to the Governor is a true and correct bill passed by both houses of the Legislature."

NOT ADOPTED BY HOUSE (new motion attached)

Move that we adopt a Joint Rule 6-21.2

"For the purpose of determining the ending of the 90th Legislative Day for the 45th Legislative Assembly, said day shall not end until adjournment sine die of both Houses."



ADOPTED BY SENATE AND HOUSE

1

JR 6-21.2

"A legislative day begins on the meeting of the legislature on that day and ends when the legislature adjourns, but not more than 24 hours after the legislature convenes on that day."