

## MINUTES

### SENATE RULES COMMITTEE

The Senate Rules Committee met on March 16, 1977 in room 331 of the capitol. Senator Stephens called the meeting to order at 4:05 p.m. Present were Senators Hazelbaker, McOmber, Mathers, Murphy, Roberts, Stephens, and Thiessen. Arriving after roll call was taken was Senator Turnage. Also present were Nancy Aagenes, Representative Hershel Robbins, William Hanson of UPI, Steve Moore of AP, and Senator McCallum. The minutes of the March 4, 1977 meeting were approved with no additions or corrections.

Senator McOmber read rule 6-34:

"No bills, except for appropriation bills, revenue bills and amendments considered by joint committee need to be acted upon (save for reference to a committee by the presiding officer) if transmitted from one house to the other after the forty-fifth legislative day, but shall be held pending in the house to which it is transmitted unless two-thirds of the members present and voting shall determine that the bill shall be acted upon..."

He then stated that it would seem to him that the committee cannot take action on the bill until it has been approved by a two-thirds vote of the members on the floor.

Thiessen presented a formal statement on House Bill 122 and why it should be accepted for action by the Senate. (This statement is with these minutes as attachment #I)

Senator Roberts asked if the bill has been referred to the Local Government Committee.

Senator McOmber said that it has been referred to the Rules Committee, but that the committee has no right to act on the bill until it gets two-thirds vote of the Senate.

Rules Committee Minutes  
March 16, 1977

A discussion on the type of motion needed was held. It was decided that the first motion would be to act on the bill and if that passed a motion would be made to transfer the bill to Local Government Committee.

A discussion was held. Senator Roberts said that he agreed with Senator Thiessen. He felt it would be a shame to not consider this bill because of the amount of time spent on it. He hoped that the Senate could be flexible at this point and not get hung up on a technicality. He doubted the bill would pass, but it would go down on its merits rather than on a technicality.

Senator Murphy moved that the chairman of the Rules Committee, acting for the committee, move on Saturday and ask for a two-thirds vote of the Senate to approve consideration and action on House Bill 122.

General discussion followed. Senator Thiessen was excused from the meeting.

Senator Turnage then arrived and said that he objected to the wording of the motion. He felt that it would seem like the Senate Rules Committee was endorsing the bill. The motion was withdrawn after considerable discussion and a vote taken.

Senator Roberts moved a substitute motion that; pursuant to rule 6-34 of the joint rules and House Bill 122 being transmitted beyond the transmittal date, he moved that House Bill 122 be considered and acted upon by the Senate. Motion seconded by Mathers.

Rules Committee Minutes  
March 16, 1977

The motion passed unanimously, with all senators present voting aye.

A discussion then centered around whether this motion was debatable.

Senator McOmber said that it was his understanding that it is a debatable motion. He then asked the group about limiting debate on the motion. Should it be limited to the motion, or could they debate the body of the bill?

Senator Mathers asked if it was the group's understanding that revenue bills were included in the motion made at the last joint rules committee meeting. The answer was yes.

Since there was no further business, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

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Jo Ann F. Owens, Secretary



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Senator Stan Stephens, Chairman

Date approved \_\_\_\_\_

## STATEMENT TO SENATE RULES COMMITTEE

SENATOR C. R. THEISSEN

If I had introduced House Bill 122 as a Senate Bill, there would have been no question whether the Senate would consider the local government code. The people of Montana will not understand our refusal to consider this same law that has now been referred to the Senate by the House of Representatives.

The suspension of the rules to delay the deadline for transmittal of appropriation and tax bills indicates that this legislature is flexible when necessary. The importance of House Bill 122 makes it necessary to suspend the rules to permit full Senate consideration of this important measure.

It is also my firm belief that the Senate should not wait two more years before it considers House Bill 122.

I have been waiting for House Bill 122 since 1959 when I was first elected to the Montana Legislature on a platform of reducing state interference in local government.

After years of piece meal attempts to reduce state interferences in local government the Legislature in 1974 requested that a revised code of local government law be prepared. The request was approved by the Senate 48 to 0.

As chairman of the Senate Local Government Committee in the 1974 session I was appointed to the Commission responsible for preparing the revised code of local government laws and have served on that commission with four local officials, one citizen, and three other legislators including former Republican Senator Glen Drake.

Both Senator Drake and I considered it a privilege to represent the Senate in the important task of preparing the local

*Stephens*

SATURDAY, March 19, 1977

Pursuant to SJR 6-34 of the Joint Rules, with House Bill 122 being transmitted beyond the transmittal date, I move that House Bill 122 be considered and acted upon by the Senate.

# SENATE RULES COMMITTEE

ROLL CALL VOTE ON \_\_\_\_\_

DATE

3/16/77

Present	Absent	Name of Member	Aye	No	Not Voting
✓		HAZELBAKER, Frank			
✓		McCOMBER, Gordon			
✓		MATHERS, Bill			
✓		MURPHY, Terry V-Chm.			
✓		ROBERTS, Joe			
✓		STEPHENS, Stan, Chm.			
✓		THIESSEN, Cornie			
late		TURNAGE, Jean			

*John L. Cairns*  
Secretary

~~MOTION:~~

Nancy Aggenio  
Rep. Hershel Robbins  
Wm. Hanson, UPI  
Steve Meare, AP  
Senator McCallum

# SENATE RULES COMMITTEE

ROLL CALL VOTE ON

Motion #1

DATE

5/16/77

Present	Absent	Name of Member	Aye	No	Not Voting
		HAZELBAKER, Frank	✓		
		McCOMBER, Gordon	✓		
		MATHERS, Bill	✓		
		MURPHY, Terry V-Chm.	✓		
		ROBERTS, Joe	✓		
		STEPHENS, Stan, Chm.	✓		
		THIESSEN, Cornie	✓		
		TURNAGE, Jean			

John L. Cramer  
Secretary

MOTION:

*Motion withdrawn  
after vote*

# SENATE RULES COMMITTEE

ROLL CALL VOTE ON \_\_\_\_\_

DATE 3/16/77

	Absent	Name of Member	Aye	No	Not Voting
		HAZELBAKER, Frank	✓		
		McCOMBER, Gordon	✓		
		MATHERS, Bill	✓		
		MURPHY, Terry V-Chm.	✓		
		ROBERTS, Joe	✓		
		STEPHENS, Stan, Chm.	✓		
		THIESSEN, Cornie	<i>excused</i>		
		TURNAGE, Jean	✓		

*Jo Ann F. Owens*  
Secretary

MOTION: #2

*substitute motion*  
*par #1*