

JOINT RULES COMMITTEE
46th Legislature

10 January 1979

Chairman Stephens called the meeting to order at 5:10 pm, in Room 415. All members of the committee were present except Senator Thiessen and Representative Brand. Diana Dowling, Senator Towe, Senator S. Brown, and Senator Regan were also present.

Senator Stephens recognized Senator S. Brown for the purpose of discussing law 2-2-112 MCA and Joint Rule 9-2. This section of the codes and the rule discuss conflict of interest in defining the matters on which a legislator may and may not vote. Senator Gerke moved that 9-2, page 46 line 7 of the gray draft bill be amended as follows: Strike: and shall not vote thereon. The motion carried unanimously.

Senator Stephens then brought up the matter of proposed Chapter 11 of the Joint Rules dealing with legislative intent statements. Senator Turnage was recognized and asked Roger Tippy to discuss Chapter 11. Following Mr. Tippy's presentation, Senator Turnage explored the statute the created the directions for statements of legislative intent. Senator Turnage moved that the following language be added at the beginning of the new chapter: "for the purpose of complying with the Legislative History Act (5-4-4 MCA)." The motion carried unanimously.

Further discussion clarified that the primary impact of the statement should be on an agency given rule making authority and not necessarily on a court. Mr. Tippy explained, however, that there was some hope for courts looking more carefully at legislative intent and going beyond the "four corners of the statute" in rendering their opinions.

Senator Towe was recognized to suggest some new language for the chapter.

The committee then agreed unanimously that the new chapter would be included in the Joint Rules in order to comply with the codes.

Representative Dussault then moved that a unanimous vote would be necessary on the motion to place a bill on the consent calendar. The motion carried unanimously.

Representative Dussault then moved that the committee reconsider its action in including lines 17-19 on page 41 of the draft rules and insert instead: Conference committee reports must give clerical instructions for enrolling by referring to the reference bill version. The motion carried unanimously.

Representative Dussault moved that a bill go on the consent calendar and that questions be asked on Order of Business No. 11 the following legislative day, with the vote following third reading the day after. The motion carried unanimously.

Representative Dussault then moved the adoption of the proposed rules as proposed and amended. The motion carried unanimously.

Chairman Stephens adjourned the meeting.


