

MINUTES OF HOUSE RULES COMMITTEE  
48TH Legislature  
January 11, 1983  
Room 343

Chairman John Vincent called the meeting to order at 11:09 a.m. All members were present.

The purpose of this meeting was to discuss House Resolution No. 1 and proposed rule changes. Each member received a copy of the proposed changes, which a copy is attached hereto. A new rule is proposed for overturning adverse committee reports, similar to rule used in '79 Session. The second proposed rule change is a technical change to make House rules consistent with Senate rules. The third proposed rule change is with regard to who is permitted on the floor of the House during Session. The proposed change will expand the present rule. Reference to JR 1-2 leaves in tact prerogative of presiding officer to make sure who ever that person is can maintain decorum of the body.

John told members they would discuss each proposed rule change one at a time, and then other rule changes anyone had in mind.

Representative Marks said he thinks it would be better to show deleted language and new language in Resolution No. 1, referring to change in rules made last Session to go from 15 standing committees to 10. (House Resolution 1 only shows new language.) He thinks this should be done so members can understand that this Resolution will be treated as any other bill.

Chairman Vincent said he thought the idea was to have all material ready to go so could get rules printed and out and was assumed they would be adopted as such. Vincent said he had no objection to having 2nd reading copy of Resolution show changes.

The first proposed rule change discussed was with regard to overturning adverse committee reports. Vincent remarked that the actual proposed rule should end after "business No. 2", deleting "without debate". This gives legislators options to overturn adverse committee reports; ex., 20 signatures and substitute motion, at which time that would be debated and if majority voting went with substitute motion, bill would then go on second reading.

Representative Marks pointed out that the first paragraph of the new proposed rule is already included in present rule 3-4, so is not under consideration.

Representative Fagg asked where 20 signatues came from. Chairman Vincent answered that it was thought 10 signatures were too few, too easy to get. It was thought about one-third or about 25; was consensus of those people interested enough in discussion that 20 was reasonable number.

MINUTES OF HOUSE RULES COMMITTEE

Page Two

January 11, 1983

Speaker Kemmis said this was not a caucus position and that it was subject to debate in order to work out what is best for the House. It looks like a lot of support from Democrats for 20 signatures, but the number is debatable and he wanted Republican party to be a full part of the process. He didn't want them to be steamrolled. Aiming at having people obtain more than token support to get bill heard, but finding some range so they don't have to get 51 signatures.

Chairman Vincent commented that on occasion, members have spent a lot of time debating whether or not to hear a bill on second reading, so could possibly have two full discussion on same bill. Passing this rule could save some floor time.

Representative Fagg said he had a problem in that sometimes members don't know what the bill is about but sign to have bill placed on second reading because a friend has asked or something of the like. He asked if it would help to have some signatures required from committee, like five or 10. He thought committee should have some input. Suggested qualifying signatures.

After more discussion, Speaker Kemmis moved that the second paragraph of proposed new rule on overturning adverse committee reports be added to HR 3-4, with exception of "without debate".

More discussion took place on the number of signatures required. Shontz suggested changing rule to say at least one-third of the voting members of the committee making the report must sign. Representative Marks asked if leadership was included.

Chairman Vincent said members of leadership could sign, but would not be counted as one of members from the committee.

Representative Marks mentioned rule that says Speaker, Majority Leader and Minority Leader are ex-officio voting members of all committees.

Chairman Vincent said he interpreted voting members as those present and voting at committee meeting. Voting members are those qualified to sit on that committee.

Representative Fagg suggested adding to proposed new rule "appointed" instead of regular or voting members of committee.

Speaker Kemmis restated his motion to include if 20 members, including at least one-third of appointed members of the committee making the report so indicate, the bill will be placed on second reading for debate. Voice vote taken on motion. Motion carried. Representative Marks only member voting against.

Representative Marks moved that number of signatures required be changed from 20 to 30.

Representative Yardley spoke against the motion. Thinks this is one alternative they don't have already and if number

MINUTES OF HOUSE RULES COMMITTEE

Page Three

January 11, 1983

is increased too much, some will try to go in and overturn adverse committee report on second reading level. He would like to see it tried and go from there.

Question was called. Voice vote taken. Motion failed.

Vote then taken on Speaker Kemmis's original motion, as amended, to include that one-third of appointed members of the committee be required to sign. Voice vote. Motion carried. Representative Marks only member voting against.

Chairman Vincent went on to second proposed rule change, which is to require only two-thirds vote to temporarily suspend the rules rather than unanimous consent. (H4-1 (2))

Representative Marks moved to amend the rule to strike "unanimous consent" and insert "two-thirds vote".

Motion carried unanimously.

Chairman Vincent said next proposed rule change pertains to who shall have access to House floor. Need to delete "Only" because almost everyone is allowed, and to make it consistent with Senate Rule 1-2, which gives the presiding officer authority to preserve decorum in the House. It makes absolutely clear that responsibility of presiding officer to demand quiet and to do whatever is necessary to reach this end.

Speaker Kemmis said he thinks it's important for everyone to understand that this rule applies and to expect that it will be enforced so if it comes to a situation where interns or aides are making too much noise, they should now they may be asked to leave floor by presiding officer. It won't be done from rostrum, and will be handled by Sergeant-at-Arms.

Representative Marks asked if this authority would be extended to Chairman of the Whole, too, to which Speaker Kemmis replied yes.

Representative Yardley said it was presumption on legislators' part to be responsible for guests and interns.

Speaker Kemmis said something else discussed was with regard to aides and interns was that it was Democrats' strong feeling that they should have access to floor, but not sit on the floor, to come in to talk to legislator to do business and then leave.

Speaker Kemmis moved proposed rule change to H1-6. Voice vote. Motion carried unanimously.

Chairman Vincent said last possible amendment would be changing committee structure. Are presently operating under rules of third legislative day of '81 session, need to modify

MINUTES OF HOUSE RULES COMMITTEE

Page Four

January 11, 1983

rules of last session as finally adopted, which includes a list of 10 committees instead of 15. Vincent said he would talk to Diana Dowling about.

Speaker Kemmis commented that he didn't think House Resolution 1 was not prepared properly. He said temporary rules have been adopted and rules printed in rules book are nothing more than that, not a statute.

Representative Marks said he thinks it would be easier to explain changes to members on the floor to show what it was and how it is now.

Representative Fagg said now operating under former rules, since they adopted rules of third legislative day.

Speaker Kemmis said he thought the bill they're now working with is fine and that they should use HR 1 as a vehicle to put in changes made today. The bill should only show changes made by this committee.

Representative Fagg brought up H3-3, whereby ex-officio members have right to vote on all committees. He doesn't think this is a good practice.

Representative Yardley said it's been done once or twice in House in event of lack of quorum.

Chairman Vincent thinks voting status should be cleared up.

Representative Addy moved to amend H3-3 to say that Speaker, Majority Leader and Minority Leader shall be ex-officio members without a vote.

Representative Fabrega ask why they want to depart from Mason's so much.

Representative Fagg commented that leadership could vote in order to break a tie.

Representative Fabrega reiterated that Mason's has been used and studied and why should they use something different.

Some discussion took place and Representative Addy re-worded motion to say leadership shall be non-voting members of all standing committees. Roll call vote taken (see attached). Motion failed: 5 FOR -- 5 AGAINST.

Chairman Vincent assured members that changes acted on today would be incorporated in resolution so members can see them.

Speaker Kemmis told members that he and John would not be going to committees to vote, and that if they found it necessary

MINUTES OF HOUSE RULES COMMITTEE

Page Five

January 11, 1983

to do so, they would give notice to minority before doing such.

Chairman Vincent commented on Senate held hearing yesterday before went to rules meeting. Would have preferred to have had a joint rule meeting first. Will be looking at conference committee if amendments brought up on floor. When hearing on that rule, Vincent asked members to think about having a Joint Rules meeting.

Speaker Kemmis pointed out some changes in Joint Rules he thinks should be made: Joint Rule 6-29 pertaining to reading titles of bills three times before passage. House has been only reading title or summary of title on first and second reading. Kemmis thinks should allow for summary readings of title on third reading also.

With regard to Joint Rule 6-30(4) in reference to Governor's veto, rule needs to be amended to implement constitutional change.

With regard to Joint Rule 6-5, effective date of new statutes, the rule says July 1 for statute to take effect, which has been changed to October 1. Need to change or get rid of.

With regard to Joint Rule 7-2 (requiring standing committees to submit written reports in triplicate within seven days after reference), Kemmis commented that it just isn't done and has never been done as far as he knows. He asked members if they wanted to keep the rule and start doing what it says or do something else. What would happen would be that a number of motions would be made by committee chairmen to ask for extension of time, but could see why rule was put in.


Chairman Vincent thought a Joint Rules meeting should be set to go over these matters.

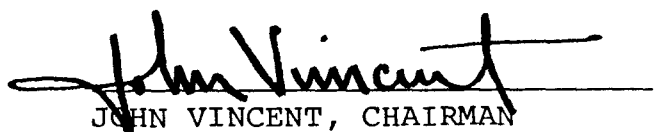
Representative Marks suggested that the Chairman of the House Rules Committee meet with the Chairman of the Senate Rules Committee.

Representative Fagg brought up five-bill limit. Said it was getting more and more difficult; that he has had to turn people down for introducing bill. Doesn't think this is such a good idea. He feels they are here to represent the people.

Representative Shontz said he felt the same way, especially in light of the fact that the Executive branch of government is not limited at all. He thinks this policy limits constituents' ability to have access to the law.

Meeting adjourned at 12:22 p.m.

  
JOYCE ANDRUS, SECRETARY

  
JOHN VINCENT, CHAIRMAN

RULES COMMITTEE

HOUSE OF REPRESENTATIVES

48TH LEGISLATURE

ATTENDANCE

DATE: 1-11/82

	PRESENT	ABSENT	OTHER
VINCENT, Chairman	✓		
KEMMIS, Vice-Chairman	✓		
ADDY	✓		
FABREGA	✓		
FAGG	✓		
HARRINGTON	✓		
MARKS	✓		
RAMIREZ	✓		
SHONTZ	✓		
YARDLEY	✓		

RULES COMMITTEE

HOUSE OF REPRESENTATIVES

48TH LEGISLATURE

MOTIONS

DATE: 1/11/83

MOTION: Addy moved to amend H3-3 to say "The speaker, majority leader, shall be non-voting members on all committees."

	YES	NO	
VINCENT, Chairman	✓		
KEMMIS, Vice-Chairman		✓	
ADDY		✓	
FABREGA		✓	
FAGG	✓		
HARRINGTON	✓		
MARKS	✓		
RAMIREZ	✓		
SHONTZ		✓	
YARDLEY		✓	
TOTAL	5	5	

Motion Carried           

Motion Failed   X

## HOUSE RULES

### 13. Rules

### 14. State Administration

### 15. Taxation

The first named member of a committee is the chairman, and in his absence the next named member, and so on.

H7-2. The committee on rules shall consist of the speaker, the majority leader, and other members of the majority party appointed by the speaker, the minority leader, and other members of the minority party designated by the minority leader and appointed by the speaker. The speaker shall appoint other standing committees, select committees, and house membership on joint committees and conference committees.

H7-3. All bills having "Do Pass" committee recommendations shall be deemed adopted and shall be placed on second reading, unless they are referred to a committee by motion duly made on order of business No. 6.

If the committee report is that the bill "Do Not Pass", the bill shall be posted by the chief clerk of the house

## HOUSE RULES

and the members of the house have 24 hours in which to indicate in writing to the chief clerk that they wish to have the bill debated. If 10 members so indicate, the bill will be placed on second reading for debate. If no such indication is made, the committee report will be voted on order of business No. 2 without debate.



# STANDING COMMITTEE REPORT

January 11

19 83

MR. Speaker

We, your committee on Rules

having had under consideration House Resolution 1 ~~SEN~~ No. 1

first

reading page ( white )  
fair

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA  
TO ADOPT RULES TO GOVERN ITS PROCEEDINGS IN ADDITION TO JOINT RULES.

Respectfully report as follows: That House Resolution ~~SEN~~ No. 1

## BE AMENDED TO READ:

- (1) Page 2, Line 13  
Strike: "Only"  
Insert: "Subject to Joint Rule 1-2,"
- (2) Page 2, line 14  
Following: "session;"  
Insert: "legislative aides and interns,"
- (3) Page 2, line 18  
Following: "children"  
Strike: "12" and line 19 in its entirety  
Insert: "and guests of legislators"

XXXXXXX

January 11

19 83

(4) Page 4, following line 19

Insert new paragraph: "If the committee report is that the bill "Do Not Pass", the bill shall be posted by the chief clerk of the house and the members of the house have 24 hours in which to indicate in writing to the chief clerk that they wish to have the bill debated. If 20 members, including at least one-third of the appointed members of the committee making the report, so indicate, the bill will be placed on second reading for debate. If no such indication is made, the committee report will be voted on on order of business No. 2."

(5) Page 5, line 4

Following: "by"

Strike: "a two-thirds vote"

Insert: "unanimous consent"

AND AS AMENDED  
DO PASS