# MINUTES OF THE MEETING OF THE JOINT RULES COMMITTEE

December 28, 1985

The meeting of the Joint Rules Committee was called to order by Senator Fred Van Valkenburg, Chairman, on December 28, 1984 at 10:00 A.M. in Room 405, State Capitol.

ROLL CALL: Roll was called with Senator Stephens and Representative Brown excused and Representatives Schultz and Moore absent.

PURPOSE OF MEETING: Senator Van Valkenburg stated the purpose of the meeting was to discuss and determine the necessary rule changes so as to be able to introduce a bill on the first day of the 1985 session and hopefully adopt rules before the end of the first week.

FIRST ORDER OF BUSINESS: PROCEDURE FOR CONFERENCE COMMITTEE

Representative Marks and Representative Vincent began the discussion with a request that the rules reflect the respective changes regarding the House's unusual tie situation. Representative Vincent read Rule 7-8 and stated that the proposed rule change would leave the number of members on the Conference Committee up to the respective house.

Senator Van Valkenburg questioned possible insertion of "in the event House is equally divided" in order to avoid burgeoning committees.

MOTION: Representative Ramirez made a motion to recommend the adoption of language as stated.

Proposed Rule 7-8 was read with the following insertion:

"Unless one of the Houses has an equal division of party members, in which case the House shall simply appoint a Committee for the same purpose without regard to the number of members."

Representative Ramirez called for the question on the substitute motion.

Representative Harper made a substitution in the motion whereby verbiage would remain intact except for striking the clause "consisting of same number of members" and substituting "for the same purposes."

Representative Harper called for the question on the substitute motion.

The Chairman stated that the motion was to adopt proposed Joint Rule 7-8 which would read as follows:

"If either house requests a conference and appoints a committee for the purpose of discussing an amendment on which the Senate and the House of Representatives cannot agree, the other house shall appoint a committee for the same purpose. The time and place of all conference committee meetings shall be agreed upon by their chairman and be announced from the rostrum. This announcement is in order at any time. Failure to make this announcement shall not affect the validity of the legislation. The conference committees, having conferred, shall report to their respective houses the result of their conference. A conference committee shall confine itself to the disputed amendment.

If either house requests a free conference committee and the other house concurs, appointments will be made the same as above. A free conference committee may discuss a bill in its entirety and is not confined to a particular amendment."

MOTION CARRIED: Motion carried unanimously.

SECOND ORDER OF BUSINESS: HIRING OF JOINT PERSONNEL

The Chairman recognized Senator Blaylock, Chairman of the Senate Legislative Committee. Senator Blaylock began the discussion of joint personnel by stating there was a problem regarding the hiring of telephone operators.

Senator Norman asked if there are any other joint personnel and it was determined that the Information Officer is also considered joint personnel. However, that position is funded and hired through the Legislative Council.

Representative Marks suggested that the Joint Legislative Administration Committees should be in charge of the hiring of joint personnel.

MOTION: Representative Marks made a motion to insert language into chapter 3 as follows;

"All staff employed jointly shall be appointed by the Joint Legislative Administration Committees."

The question was called and the motion carried unanimously.

Chairman Van Valkenburg requested the minutes to show that joint personnel affected by this motion shall be the telephone operators only.

THIRD ORDER OF BUSINESS: JOINT RULE 7-9

Brief discussion ensued regarding Joint Rule 7-9.

Representative Vincent sought assurance that Joint Rules do not supersede House (or Senate) rules.

Representative Ramirez stated preference of not tampering with the rules, but Representative Harper suggested that a motion should be voted upon rather than leaving open the possibility of the minutes being challenged.

Senator Van Valkenburg proposed inserting a period after "house votes separately" and inserting a new sentence.

Representative Harper suggested the wording of the new sentence to be as follows:

"A majority of each committee must agree before any action may be taken unless otherwise specified by individual house rules."

(Underlined wording reflects additional wording to Rule 7-9.)

The question was called and voted on. The motion carried unanimously.

FOURTH ORDER OF BUSINESS: PROPOSED RULE 3

Discussion of the proposed rule ensued. (Attached hereto as Exhibit A.)

Senator Norman questioned the possibility that bills from the Senate may become lost in the House, and stated his concern regarding this danger.

It was determined that the proposed rule would not affect bills' flow between houses; rather, the intent was to aid advance paper processing, and other ministerial actions.

Ed Smith, Chief Clerk of the House, stated that basically the request was simply for the authority to have a Council disseminate information as it is received rather than waiting until rostrum reading. Clarification was made in regards to the fact that bills will not be official and will be able to be recalled from Legislative Services anytime before being read over rostrum.

Representative Vincent made a motion to interpret the present rules so as to allow reports, bills and documents to be transmitted to the authorized Legislative Service agency for processing while the House and the Senate are not in session.

The question was called. The motion carried unanimously.

FIFTH ORDER OF BUSINESS: FEES FOR PROCEEDINGS (Joint Rule 8-8)

Discussion ensued regarding costs incurred in fee schedule for legislative proceedings.

Bob Person of the Legislative Council requested that fees for proceedings be set by the Legislative Council rather than in the rules. (Also discussed, but not voted upon, was the subject that fees be paid directly to the Legislative Council rather than through the Secretary of State's office.)

Senator Van Valkenburg stated that Sec. 5-11-212 MCA provides that the fees for proceedings are to be set in the Joint Rules. He added that he thought the Joint Rules could delegate that authority to the Legislative Council.

Senator Crippen suggested that only the costs for a complete set of proceedings should change, with all other changes to remain the same.

Senator Crippen made a motion to change the current \$250 charge to \$400.

The question was called. The motion carried unanimously.

SIXTH ORDER OF BUSINESS: PROCEDURAL CHANGES RECOMMENDED
BY LEGISLATIVE COUNCIL STAFF FOR 1985

Brief discussion was held by Bob Person regarding updating bill processing language, simplification of clerical amendments, revision of bill introduction, reproduction of 2nd and 3rd reading and reference copies, responsibility for committee minutes, machine voting and consideration of bills on 2nd reading. (See attached Exhibit B.)

Representative Marks made a motion to adopt recommendations.

The question was called. The motion passed unanimously.

SEVENTH ORDER OF BUSINESS: CONFERENCE COMMITTEE REPORT FORMAT

Senator Van Valkenburg proposed that the present rules be interpreted so as to require that the proposed conference committee report format be used.

Representative Keyser made a motion to adopt Senator Van Valkenburg's proposal. (See attached Exhibit C.)

Question called. The motion passed with all members present voting aye with the exception of Senator Crippen, who voted no.

#### EIGHTH ORDER OF BUSINESS: ADJOURNMENT

Representative Addy entertained a motion to adjourn the meeting.

Senator Van Valkenburg stated his intent to prefile a bill to be co-sponsored by Representative Ramirez.

Senator Van Valkenburg stated desire to meet with the Joint Rules Committee again on the first day of the session.

Question called. Motion carried. Joint Rules Committee meeting adjourned.

Chairman

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Proposed rule 3-

All reports, bills, documents and other papers received by the chief clerk and secretary of the Senate shall be considered official, and transmitted to the authorized legislative service agency for processing while the House and Senate are not in floor session. HOUSE MEMBERS

REX MANUEL
CHAIRMAN
RALPH S. EUDAILY
ROBERT L. MARKS
JOHN VINCENT

#### SENATE MEMBERS

ALLEN C. KOLSTAD VICE CHAIRMAN M. K. DANIELS PAT M. GOODOVER CARROLL GRAHAM



### Montana Legislative Council

State Capitol Helena, MC. 59620

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December 26, 1984

EXHIBIT

В

UIANA S. DOWLING
EXECUTIVE DIRECTOR
CODE COMMISSIONER

**ELEANOR ECK** 

**ADMINISTRATIVE ASSISTANT** 

MARILYNN NOVAK

DIRECTOR, LEGISLATIVE SERVICES

ROBERT PERSON

DIRECTOR, RESEARCH

SHAROLE CONNELLY

DIRECTOR, ACCOUNTING DIVISION

ROBERT C. PYFER

DIRECTOR, LEGAL SERVICES

TO:

Joint Rules Committee

FROM:

Bob Person, Research Director

RE:

Rules changes recommended by staff for 1985

This memo lists rules changes that are recommended by staff to facilitate support of the legislature. Sources of suggested changes have been many; both rostrum staff and Council staff have been involved. I hope this format makes consideration of these proposals clear and easy for the Joint Rules Committee.

Part I of the memo is a list of categories of changes recommended in which is included a description of the changes, rationale for the changes, and a list of rules affected. Part II shows drafts of changes to each rule with a cross reference to each category of change shown in that rule.

eg:Bob7:Joint Rules Committee

#### Part I Categories

1. Updating bill processing language.
Rules affected: 3-3, 6-2, 6-6, 6-19, 6-21, 8-3 (and others)

In general, these rules contain language relating to how bills are to be prepared. Increased use of computer-based technologies for bill preparation has made references to such terms as "typists" and "typewritten" obsolete. Related terms are likewise obsolete.

Rule 3-3 includes a sentence stating that the Legislative Council will hire engrossing and enrolling "typists" and proofreaders. This sentence, included when ALTER was installed in 1973 and the engrossing and enrolling responsibility was shifted to the Council, is obsolete in its reference to typists. The people who do the work are called "data entry operators" or "terminal operators". There are no special assignments for those who do engrossing and enrolling as distinguished from those who input new bills.

When references exist to "typed" or "typewritten" in relation to work done on the ALTER system, we propose using the terms "stored" and "printed". The work done in the print shop would be referred to as "reproduction". Numerous references to printed bills in sections not shown here should be changed if this proposal is accepted.

# 2. Simplification of clerical amendment approval. Rules affected: 3-7

The proposal changes the requirement for prior approval for clerical corrections to an opportunity to object. The proposal also changes the approval authority for clerical corrections in amendments from the bill sponsor to the amendment sponsor. Both of these changes are to conform the rule more closely with actual practice which has proven to be the only practical way to accomplish the required work.

The need for clerical corrections is often discovered during the storage and proofing process. In order to expedite that process, and because of the inherently uncontroversial nature of clericals, the practice has developed to make the changes and simultaneously generate the paperwork to document approval. Because it is often hard to find the proper member for approval, completion of the paperwork sometimes lags

considerably after the return of the amended bill to the process upstairs. The proposal would validate this procedure and allow the lag time to be inconsequential.

Another problem has been the need for a bill sponsor's approval to a clerical on an amendment about which he may have little knowledge or even hostility. The person who proposes an amendment would be the more logical source for approval of corrections, and the proposal recognizes that.

Clericals can on occasion affect substance. That is why approval by a legislator must be obtained. Giving an opportunity for objection is designed to catch any inadvertent change in meaning resulting from a clerical correction.

## 3. Revision of bill introduction rules. Rules affected: 6-2; 6-6

Here the proposal is to reduce the number of copies of bills provided for introduction from 4 to 3 and to provide that only the first copy have the stiff paper backing. We also propose to change the term "prefile" to "pre-introduce".

Jan Vulk of the Council's Legislative Services Division proposed the change in bill numbers and backing. These changes have already been accepted in principle by the leadership and the Council has prepared for the session on the assumption the rule change will be accepted.

Jan discovered that while 4 copies of bills are required for introduction only 3 of them are used. The extra copy merely takes space in the files of the legislature and the Secretary of State. She estimated that with 2,000 bills introduced in the session with an average of 5 pages each, 10,000 sheets of paper can be saved.

Bill backs have served several purposes: they give a sort of formality to the original bill, they provide a place for bill histories to be recorded, and they gave strength to bills printed on tissue paper. The first two uses justify bill backs on the original bill. A new system of lazer printing has replaced the old impact printer as the technology for printing bills out of the computer. The second and third copies will no longer be on tissue paper as was needed with an impact printer and carbon paper. Backs therefor are not needed for the integrity of copies 2 and 3. Not backing the second and third copies will save 4,000

backs and the labor involved in folding and stapling them.

The term "prefiled" as used in Rule 6-6 to refer to the introduction of a bill before the session begins has always been a source of confusion. In many states bills are "filed" while in Montana they are "introduced". The term "prefile" was borrowed from those other states. It will be much more clear to everyone what is meant if "preintroduction" is used. Also the distinction between requesting a bill and introducing it will be made more clear.

# 4. Reproduction of second and third reading and reference copies.

Rules affected: 6-19; 6-20

When bills are unamended, the rules require that only the first page be printed on yellow for second reading and blue for third reading. The proposal is to change language from mandatory to permissive. There is often a need or efficiency gained in producing an entire bill. The change would conform the rule with practice. An indication of the salmon colored paper for reference bills is included for consistency.

# 5. Responsibility for committee minutes. Rules affected: 7-4

The proposal is to place responsibility for minutes on the chairman in both regular and joint committees. In a joint committee, the chairman is the chairman of the Senate committee. It is inconvenient and confusing to have two sets of minutes from a joint committee -- a problem that arose during the special session on employment preference. The rule amendment is drawn to apply to all committees for consistency.

### 6. Machine voting. Rules affected: 9-6: 9-7

Technically speaking, the voting systems now used in the House and Senate are "electronic" rather than "electrical", and there is not a bell but a signal sounded to commence voting. The change proposed reflects these conditions.

### 7. Consideration of bills on second reading. Rules affected: 6-23

The change would allow amendments to be considered immediately after reading the title of a bill on second

reading. Following consideration of any amendments the bill would be available in its entirety for consideration. This is essentially the procedure now followed in the House.

Reading a bill section-by-section is a shortened version of reading it in its entirety. Amendments were to be proposed section-by-section. Because of the need for some amendments to touch the title and numerous other sections the section-by-section system tends to break down. The House has followed the section-by-section rule on a perfunctory basis until a string of amendments whereupon at the conclusion of the amendments, the bill was announced in its entirety. The system works well, and in some cases can speed floor action. The proposed amendment allows the procedure explicitely.

eg:Bob7:Joint Rules Committee

#### Rule 3-3

3-3. The committee on legislative administration of each house shall appoint a secretary for a standing or special committee on recommendation of the committee chairman, subject to the approval of the respective house. A secretary for a standing or special committee is immediately responsible to the committee chairman, but when not occupied with the duties of a committee, shall work under the direction of the chief stenographer of each house. The Legislative Council shall hire all engrossing and enrolling typists-and-proofreaders staff, who are under the direction of the bills committee.

See Part I, 1 for explanation.

#### Rule 3-7

- 3-7. The duties of the engrossing and enrolling elerks staff are:
- (a) to engross or enroll all bills delivered to them within 48 hours after they have been received, unless further time is granted, in writing, by the presiding officer of the house in which the bill originated;
- absent the objection of the sponsor of a bill or amendment and the secretary of the Senate or chief clerk of the House of Representatives, in any bill or amendment originating in the house by which they are employed. Clerical errors such as the following may be corrected:
  - (i) errors in spelling
  - (ii) errors in numbering sections
- (iii) adding or deleting underlining or lines through matter to be stricken
- (iv) material copied incorrectly from the Montana Code Annotated.

The secretary of the Senate or chief clerk of the House shall-obtain-written-permission-from-the-principal--sponsor before-such-corrections-are-made and the sponsor of the bill or amendment shall be notified in writing of the clerical correction. An objection to the correction may be registered by the secretary of the Senate, chief clerk of the House, or sponsor by filing it in writing within 24 hours after receipt of the notice.

When a committee is the sponsor of a bill, any member thereof so designated by the chairman may be the principal sponsor for the purpose of this section. When a committee has proposed an amendment, the chairman is the principal

#### sponsor for the purpose of this section.

See Part I, 2 for explanation.

#### Rule 6-2

6-2. All bill drafting requests shall require a legislative sponsor. Bills shall be typewritten printed on paper with numbered lines and shall be introduced in quadruplicate triplicate. Bills shall be numbered at the foot of each page (except page 1) and the original copy shall have a white covers cover of a substantial material. sections amending existing statutes, matter to be stricken out shall be indicated with a line through the words or part to be deleted, and new matter shall be underlined. Sections of the Montana Code Annotated repealed or amended in a bill shall be stated in the title, except bills for general appropriation bills and codification and general revision of the laws. Introduced bills will be reproduced on white paper and distributed to legislators.

See Part I, 1 and 3 for explanation.

#### Rule 6-6

- 6-6. (1) A legislator may not request more than five bills from the Legislative Council nor may a legislator introduce more than five bills. This limit does not apply to:
- (a) bills requested prior to the convening date of each session;
  - (b) interim committee bills;
  - (c) state agency bills;
  - (d) code commissioner bills;
  - (e) resolutions;
  - (f) standing committee bills;
  - (g) appropriation bills; or
  - (h) revenue bills.
- (2) Bills and joint resolutions will be checked by the staff of the Legislative Council prior to introduction for proper format, style, and legal form. Bills will be entered stored on the automated bill drafting equipment, typed printed, and delivered in quadruplicate triplicate to the requesting legislator. A stamp shall be affixed to the original bill cover and signed to indicate Council review. If such stamp is not affixed, the bill may not be introduced.

- (3) During a session a bill may be introduced by endorsing it with the name of a member and presenting it to the chief clerk of the House of Representatives or secretary of the Senate in quadruplicate triplicate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill shall be introduced in the house in which the legislator whose name appears first on the bill is a member. The chief joint sponsor's name shall appear immediately to the right of the first sponsor's name. Bills, joint resolutions, and simple resolutions shall be numbered consecutively in each session of the legislature in separate series in the order of their receipt.
- (4) Any bill proposed by a legislative committee or introduced by request of an administrative or executive agency or department shall be so indicated following the names of the sponsors, "By Request of the ......... (Name of agency or committee)".
- (5) Bills may be prefited preintroduced, numbered, and preprinted reproduced prior to a legislative session by the staff of the Legislative Council. Actual signatures may appear on the face of the prefited preintroduced bill, or signatures may be obtained on a consent form from the Legislative Council and the sponsor's name typed printed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Council to be included on the face of the bill following standing committee approval.

All prefiled preintroduced bills will be made available to the public.

See Part I, 1 and 3 for explanation.

#### Rule 6-19

6-19. If a majority of a house adopts a recommendation for the passage of a bill originating in that house after it has been returned from a committee with amendments, the bill shall be printed reproduced on yellow paper with all amendments incorporated into the printed copies. If the bill has been returned from a committee without amendments, only the first sheet shall need be printed reproduced on yellow paper, and the remainder of the text incorporated by reference to the preceding printed version of the entire bill. Bills referred to the bills committee of the house of origin for printing reproduction must be reported within three days unless further time is granted by that house.

See Part I, 1 and 4 for explanation.

#### Rule 6-20

6-20. When a bill has been reported favorably by Committee of the Whole of the house of origin and the report has been adopted, the bill shall be engrossed under the

direction of the bills committee, and when reported correctly engrossed by the committee shall be placed on the calendar for third reading on the succeeding legislative day. Committee of the Whole amendments shall be included in the engrossed bill. Copies of the engrossed bill to be distributed to legislators will be reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it may be engrossed without retyping reprinting, and only the first sheet shall need be printed reproduced on blue paper with the remainder of the text incorporated by reference to the preceding printed version of the entire bill.

If a bill is amended by the standing committee or Committee of the Whole in the second house, the amendments will be included in a salmon colored reference bill and distributed in the second house for third reading consideration. The amendments will also be reproduced and attached to the reference bill. If the bill passes on third reading, copies of the reference bill and second house amendments will be distributed in the original house.

See Part I, 1 and 4 for explanation.

#### Rule 6-21

6-21. When a bill has passed both houses it shall be enrolled under the direction of the bills committee of the house of origin. An original and two duplicate typewritten printed copies of the bill shall be enrolled, free from all corrections and errors, with a margin of two inches at the top and one inch on each side. In sections amending existing statutes, new matter shall be underlined and matter stricken with a line through it shall be omitted. The original and two copies of the bill shall be red lined. The history of the bill shall also be enrolled and placed with the bill in a white manuscript cover, upon which is written the number of the bill and the title. The Legislative Council staff shall file a copy of the history with the law library.

When the enrolling has been completed, the bill shall be examined by the sponsor and the bills committee and reported correctly enrolled.

The correctly enrolled bill shall be delivered to the presiding officer of the house in which the bill originated. The presiding officer shall sign the original and two copies of each bill delivered to him not later than the next legislative day after it has been reported correctly enrolled, unless the bill is delivered on the last legislative day, in which event it shall be signed that day. The fact of signing shall be announced by the presiding officer and entered upon the journal no later than the next legislative day. At any time after the report of a bill correctly enrolled and before the signing, if a member signifies his desire to examine the bill, he shall be permitted to do so. The bill shall then be transmitted to the other house where the same procedure shall be followed.

A bill that has passed both houses of the legislature by the 90th day may be enrolled; clerically corrected by the presiding officers, if necessary; signed by the presiding officers; and delivered to the governor not later than 5 days after the 90th legislative day. All journal entries authorized under this rule will be entered on the journal for the 90th day.

The original and two copies signed by the presiding officer of each house shall be presented by the bills committee to the governor. The bills committee shall take a receipt from the governor and shall report to the house the day and hour of such presentation, which shall be entered in the journal. The original shall be filed with the secretary of state. Signed copies with chapter numbers assigned pursuant to Section 5-11-204, MCA, shall be filed with the clerk of the supreme court and the Legislative Council.

See Part I, 1 for explanation.

#### Rule 6-23

6-23. Every bill considered in Committee of the Whole shall be read by a summary of its title. and-considered section-by-section Proposed amendments shall be considered; then the bill shall be considered in its entirety.

All Committee of the Whole amendments shall be prepared and delivered to the clerk for reading before the amendment is voted on. The amendment form will include the date and time of the amendment. Each rejected proposed amendment shall be identified and kept in the office of the chief clerk of the House or secretary of the Senate. Upon adjournment, the text of such amendments shall be delivered to the state archives.

See Part I, 7 for explanation.

#### Rule 7-4

7-4. All committees, joint committees, and subcommittees shall keep minutes of their meetings. and 7-at The chairman of each such committee must designate a secretary to take and transcribe minutes. The chairman must authenticate the minutes by his signature. At the close of the session, shall-make-an-original-and-two-complete-copies and the chairman shall turn the original and two complete copies of the minutes over to the chief clerk of the House or secretary of the Senate. for-delivery The original minutes shall be delivered to the historical society. The Legislative Council and the law library shall each be given one copy of the minutes.

See Part I, 5 for explanation.

8-3. The bills and journal committee of each house shall supply the Legislative Council with the contents of the daily journal to be programmed stored on an automated equipment system, examine its journal, distribute a daily journal to all legislators, correct order correction of any errors, and report each legislative day immediately after roll call.

See Part I, 1 for explanation.

#### Rule 9-6

9-6. On a roll call vote the names of the members shall be called alphabetically, unless an electrical electronic voting system is used. A member may not vote or change his vote after the decision is announced from the chair. A member may not explain his vote until after the decision is announced from the chair.

#### Rule 9-7

- 9-7. (1) On third reading the question shall be stated as follows: "Senate (or House) bill number .... having been read three several times, the question is, shall the bill pass (or be concurred in)."
- (2) If an electrical electronic voting system is used, the bell signal shall be rung sounded after the question is stated and then the presiding officer shall state "Those in favor vote yes and those opposed vote no." After a reasonable pause the presiding officer asks "Has every member voted?" (reasonable pause) "Does any member wish to change his or her vote?" (reasonable pause) "The clerk (secretary) will now record the vote."

[Free] Conference Committees\*
 on (bill number)
 Report No. ( ), (Date)

Mr. President and Speaker of the House:

We, your [free] conference committees on (Senate or House) amendments to (bill number), met (date) and

OPTION 1: There is no change in the reference bill. That is, the first house would accede in old parlance.

recommend that:

(Senate or House) amendments to (bill number) be approved.\*\*

OPTION 2: The bill is to be amended as would be the case when the second house recedes or when further amendments are proposed by a free conference.

recommend that:

(Bill No.), reference bill, be amended as follows:

- 1. (Standard amendment format)
- 2. Etc.

OPTION 3: When the committees cannot agree:

report that we are unable to agree on a recommendation.

<sup>\*&</sup>quot;Committees" is plural because the report is made by a joint meeting of two committees. (Mason's Sec. 769, 2.)

<sup>\*\*&</sup>quot;Approved" is used as approve is a synonym for concur; its use establishes a distinction for conference committees.

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