

MINUTES OF THE MEETING
SENATE RULES COMMITTEE
MONTANA STATE SENATE

January 9, 1987

The meeting of the Senate Rules Committee was called to order by Chairman Fred Van Valkenburg on January 9, 1987 at 12:30 p.m. in Room 331, State Capitol.

ROLL CALL: All members were present.

SENATE JOINT RESOLUTION NO. 6:

TO ADOPT JOINT RULES FOR THE 50th LEGISLATIVE SESSION

Senator Van Valkenburg explained that the bill in its present form is the product of, first of all, the rules of the 49th Legislative Assembly as amended by action in the Joint Rules Committee in its December meeting and two meetings subsequent to that since we got here to Helena in January. Senator Van Valkenburg proposed two additional changes as amendments. Proposed Joint Rule 3-16 would deal specifically with the issue of the use of the state telephone system by legislators and their staff for the purpose of making long distance phone calls. The rule that is proposed is: "Long distance telephone calls made while legislators are in session or in travel status are considered official legislative business and include but are not limited to calls made to constituencies, places of business and family. Session staff, including aides and interns, may use telephones for long distance calls only when specifically authorized to do so by their legislative sponsor or supervisor. Sponsoring legislators and supervisors are accountable for use of state telephones by their staff, including aides and interns. Members may not authorize others to use state telephones. Permanent staff of the legislature shall comply with executive branch agency rules applying to the use of state telephones."

Senator Van Valkenburg opened the floor for discussion.

Senator Akelstad asked for clarification of "travel status".

Senator Van Valkenburg answered that coming to Helena for an interim committee meeting or if you are on an institution subcommittee that travels to Warm Springs and you have to make a phone call while you're there would be examples.

Senator Himsl asked whether "in session" had been added.

Senator Van Valkenburg stated that it had been added to the first line.

Senator Blaylock asked about the wording "including by not limited to", wondering if that left it wide open.

Senator Van Valkenburg answered that the Senate Legislative Administration Committee has concluded that legislators should be able to

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use the phone at their discretion. What he is trying to say specifically is that phone calls to constituents, places of business and family are legitimate calls. He stated that it is difficult to anticipate every single phone call out there that you have to make. He wants legislators to use their own good discretion.

Senator Van Valkenburg asked Rep. Marks and Rep. Vincent their opinion since it wasn't really possible to get at this topic when the Joint Rules Committee met. Senator Van Valkenburg would like to try and adopt something that the House can be comfortable with also.

Rep. Vincent said that he had looked at it carefully and he is happy with it. He thinks there may be some heat initially but feels that it is a reasonable policy and thinks every legislator now recognizes that he/she has the potential for being held responsible for his/her phone calls.

Rep. Marks said that he was comfortable with it, especially with the amendment he suggested. He thinks this amendment will clarify it beyond a doubt.

Senator Himsl asked who else but constituents, places of business and families would you call? He questions the statement of "but not limited to" and asked if Senator Van Valkenburg would elaborate.

Senator Van Valkenburg answered with an example from Sen. Boylan getting a call from the Chairman of the Agriculture Committee from North Dakota's Senate and Sen. Boylan wasn't sure if he was allowed to return the call.

Senator Himsl stated that for the legislator, it leaves it wide open, but it strictly limits aides and others.

Senator Jacobson said the original intention of "including but not limited to" was simply to avoid any situation where something might arise that we didn't anticipate and create a gray area which could cause problems.

MOTION: A motion was made by Senator McCallum to amend Senate Joint Resolution No. 6 by adding the proposed Joint Rule 3-16. Question called. Motion carried unanimously.

Senator Van Valkenburg presented his second proposed rule change which concerns Joint Rule No. 7-9. The proposal is that voting in the Joint Rules Committee would be by separate houses. Currently the House has a 10 member committee and the Senate has 8. Senator Van Valkenburg said that this is clearly not a good policy, to allow a majority vote under such circumstances.

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Senator Aklestad said it is really a fairness issue which would allow each body an equal vote.

Rep. Marks said he didn't see a problem with either way. He doesn't think it makes any difference.

MOTION: Senator Aklestad made a motion to amend the introduced copy of the bill to reflect the change. Question called. Motion carried unanimously.

MOTION: Senator McCallum moved that SJR No. 6 as amended do pass. Question called. Motion passed unanimously.

Senator Blaylock asked about the Committee's decision regarding people coming before a committee and taking a neutral position. He gave an example of a situation in the Labor Committee where a bill was presented and there was one proponent other than the sponsor and no opponents. He wonders about the effect of this rule.

Senator Norman said that as he understood it, Senator Blaylock's committee brought it upon themselves and that is their prerogative.

Senator Jacobson gave an example of a bill she is sponsoring for the physical therapists. The Montana Medical Association is not in support of the bill and wants to take a neutral position and offer amendments to the bill.

Senator Van Valkenburg said that it was decided at a prior Joint Rules Committee meeting to write a letter to the Chairman of the various committees stating that it was the Joint Rules Committee decision that if a witness came before a committee and testified that they were neither in support of nor opposed to a bill but that their testimony could be clearly characterized by the Chairman as being one or the other, the Chairman would then enter into the records that the testimony was in opposition to or in support of the bill, regardless of what they said.

Senator Aklestad asked if that would have to be indicated at the meeting.

Senator Van Valkenburg stated that the Chairman should announce it during the meeting.

Senator McCallum said that when a department sponsors a bill, then that department should be a proponent of that bill. He gave an example of the Taxation Committee not wanting the sponsors coming in and being neutral on a bill. He would rather this didn't happen.

Senator Himsel said that he thinks it should be at the discretion of the Chairman of the committee to decide.

Senator McCallum said he thinks the problem comes in when the departments come and make their pitch at that time. He said that he had talked with Mr. LaFaver about this.

Senator Van Valkenburg asked for further discussion.

Senator Norman said there is before this committee a proposal to establish a Legislative Improvement Committee. The House was to select four members and the Senate will do the same. He asked how to proceed.

Senator Van Valkenburg stated that he told the Joint Rules Committee that he would appoint a subcommittee of the Joint Rules Committee that would work on legislative improvement. He would solicit the advice of all the leadership for the membership of that committee.

Senator Norman asked if this should be done now.

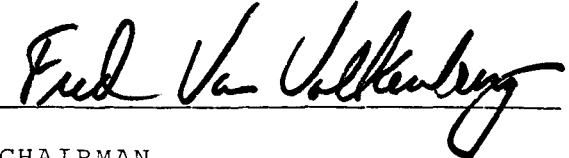
Senator Van Valkenburg said it was not suitable to do it now.

Senator Norman said they will proceed as if the members had already been appointed otherwise there will have to be another Senate Rules Committee meeting.

Senator Van Valkenburg said the Senate Rules Committee doesn't have to become involved again. As Chairman of the Joint Rules, he will appoint the members, a chairman, and set a meeting date and time.

MOTION: A motion was made by Senator Blaylock to adjourn. Motion passed unanimously.

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CHAIRMAN

ROLL CALL

Senate Rules COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/2/87

SJR 6

NAME	PRESENT	ABSENT	EXCUSED
<u>Van Valkenburg</u>	X		
<u>Mc Callum</u>	X		
<u>Norman</u>	X		
<u>Ahlestad</u>	X		
<u>Jacobson</u>	X		
<u>Farell</u>	X		
<u>Blaylock</u>	X		
<u>Hinsel</u>	X		

Each day attach to minutes.

JOINT RULE 3-16

Long distance telephone calls made while legislators are in session or in travel status are considered official legislative business, and include but are not limited to ^{calls made to} constituencies, places of business, and family. Session staff, including aides and interns, may use telephones for long distance calls only when specifically authorized to do so by their legislative sponsor or supervisor. Sponsoring legislators and supervisors are accountable for use of state telephones by their staff, including aides and interns. Members may not authorize others to use state telephones. Permanent staff of the legislature shall comply with executive branch agency rules applying to the use of state telephones.

JOINT RULE 7-9

In joint committees other than the Rules and conference committees, members vote individually and not by houses. Because the Rules and conference committees are joint meetings of separate committees, in such committees the committees from each house vote separately. A majority of each committee must agree before any action may be taken unless otherwise specified by individual house rules.

STANDING COMMITTEE REPORT

JANUARY 9

87

19.....

MR. PRESIDENT

JOINT RULES

We, your committee on.....

Senate Joint Resolution

6

having had under consideration..... No.....

first

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reading copy (_____)
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TO ADOPT JOINT RULES

Senate Joint Resolution

5

Respectfully report as follows: That..... No.....

BE AMENDED AS FOLLOWS:

1. Page 11, line 10.
Following : line 10
Insert: " Long distance telephone calls made while legislators are in session or in travel status are considered official legislative business, and include but are not limited to calls made to constituencies, places of business, and family. Session staff, including aides and interns, may use telephones for long distance calls only when specifically authorized to do so by their legislative sponsor or supervisor. Sponsoring legislators and supervisors are accountable for use of state telephones by their staff, including aides and interns. Members may not authorize others to use state phones. Permanent staff of the legislature shall comply with executive branch rules applying to the use of state telephones. "
2. Page 42, line 17.
Following: "than"
Insert : "the Rules and"
3. Page 42, line 19.
Following: "Because"
Insert: "the Rules and"
4. Page 42, line 20.
Strike: "conference"
Insert: "such"

AND AS AMENDED

DO PASS

XXXXXXXXXX
DO NOT PASS

.....
Fred Van Valkenburg

Chairman.