

MINUTES OF THE MEETING
RULES COMMITTEE
MONTANA STATE SENATE

DECEMBER 13, 1986

The meeting of the Senate Rules Committee was called to order by Chairman, Senator Fred Van Valkenburg, on December 13, 1986 at 10:15 a.m. in Room 415 of the State Capitol

ROLL CALL: All members were present.

PURPOSE OF THE MEETING: Senator Van Valkenburg stated that with the equal division of the Senate this time, there needs to be some rule changes made to accommodate this fairly for everyone.

With equal division of the political parties, the Senate President Pro Tempore is of the opposite political party as the Senate President.

Senator Van Valkenburg handed out some amendments to Senate Rule 1-1 and explained the same. See attachments. (Exhibit 1)

Whenever the president Pro Tempore of the Senate is of the opposite political party of the president, the following procedures will apply.

1. If the President dies while in office, the members of his political party shall have the right to immediately nominate and elect an Acting President of the same party.
2. If the President is absent but able and desirous of appointing an Acting President to act in his absence, he may do so.
3. If the President is absent for two or more Legislative Days or at any time after the 85th Legislative Day or at any time during Special Session of the Legislature the members of his political party shall have the right to immediately nominate and elect an Acting President of the same party.

An Acting President of the Senate shall have all the powers of the President.

Senator Van Valkenburg stated that he would like to preserve the dignity of the office of the President.

Senator Aklestad stated that he would agree that Number 1 and Number 3 are satisfactory, however, he did not agree with suggestion Number 2. He stated that the way Number 2 is written the President Pro Tempore would never have a chance to preside over the Senate.

Senator Norman explained that this would give him a chance to state whether or not he would not be able to be back in a week or so.

Senator Hims1 stated that he would question the duties of the President Pro Tempore if this rule would be adopted.

Senator Van Valkenburg stated that the President's party should have the right to elect a new president.

Senator McCallum stated that if the president was absent the Republican would be the majority party.

MOTION: A motion was made by Senator Blaylock that the following amendments be made to Senate Rule 1-1.

1. If the president dies while in office, the members of his political party shall have the right to immediately nominate and elect an Acting President of the same party.

2. If the President is absent for two or more Legislative Days or at any time after the 85th Legislative Day or at any time during Special Session of the Legislature but able and desirous of appointing an Acting President to act in his absence, he may do so, or the members of his political party shall have the right to immediately nominate and elect an Acting President of the same party.

An Acting President of the Senate shall have all the powers of the President and supersede the powers of the President Pro Tempore.

Motion carried unanimously.

Senator Van Valkenburg stated that he would like everyone to have a clear understanding of bills in committees with tie votes. Bills with tie votes will stay in committee. Senate Rule 4-1 on page 68 of the present rules would apply in this case.

MOTION: A motion was made by Senator Aklestad that rule SR4-1 be amended as follows: Following: "minority report." Strike: "or a report without recommendation". Motion carried unanimously.

Senator Van Valkenburg stated that Second Reading tie votes will stay on Second Reading. An informal agreement was reached where a bill with a tie vote on Second Reading will stay on Second Reading for two days and then sent back to a committee if there is still a tie vote.

A tie vote on Third Reading will kill a bill.

MAKE UP OF CONFERENCE COMMITTEES:

Senator McCallum stated that he felt that the Senate members of the Conference Committees should be divided equally.

Senator Norman stated that if the Conference Committees are split equally nothing will be accomplished.

Senator Aklestad stated that everyone should try to set rules so there is the least possible friction. He does not want anyone to think that they have been treated unfairly.

Senator Norman explained how he picked the members of the Conference Committees. He always tries to pick a balance that represents all elements. The 1977 Session had three members on Conference Committees when the Senate was equally divided and it worked well. He promised to always confer with the Republican Leaders before appointing members of Conference Committees.

Senator Aklestad stated that keeping harmony should be the number one consideration.

Senator Van Valkenburg stated that what Senator Norman is doing should keep friction to a minimum. He then explained the present rule.

Senator McCallum stated that there will come a time where there will be friction because of the nature of the bill.

The Senate Rules Committee recessed at 11:10 for a Joint Rules Committee Meeting. Senator Van Valkenburg announced that the meeting would reconvene upon adjournment of the Joint Rules Meeting.

The meeting reconvened at 2:07.

QUORUM: Senator Van Valkenburg stated that the quorum rule should be changed to include both floor leaders to constitute a quorum for all committees.

SR7-2 reads that the majority floor leader shall be an ex officio member of all committees in order to establish a quorum.

MOTION: A motion was made by Senator Hims1 that S7-2 read: "The floor leaders shall each be ex officio members of all committees in order to establish a quorum. Motion carried unanimously.

S7-5 The Long-Range Planning rule will be left as is this session.

MAKEUP OF CONFERENCE COMMITTEES: Senator McCallum suggested that perhaps the makeup of Conference Committees could be made up of the sponsor, one opponent and a person of the sponsor's choice.

Senator Norman stated that you cannot turn the duties of the office of the president over to all of the senators.

Senator McCallum stated again that he would really like to have four serve on conference committees, that being 2 Republican and 2 Democrats.

Senator Hims1 stated that he felt that the present rule is fine the way it reads now.

Senator Van Valkenburg stated that he would like the presidency to mean something. Senator Norman tries real hard to make the right decision and to be very fair to everyone.

Senator Blaylock stated that the president will always consult with the leaders on the other side of the aisle before appointing conference committee members.

Senator McCallum stated that he has the highest respect for Senator Norman.

Senator Aklestad brought up the order of voting in committee meetings. He stated that the order of voting in committee can sometimes change the outcome of the vote.

Senator Van Valkenburg stated that he did not want to tell the chairmen and vice chairmen how to run their committees, however, he would get all of them together for a meeting at the beginning of session to discuss the matter.

Senator Aklestad then brought up the reason for the vice chairman of the subcommittees all being democrats. The chairmen of the subcommittees are republican members from the House of Representatives.

Senator Pat Regan is the chairman of the Finance and Claims Committee. Senator Van Valkenburg stated that he would try to visit with her concerning the Senator Aklestad's problem.

Senator Jacobson stated that the Committee on Committees is the one that names the members of the committees.

ADJOURN: With no further business the meeting was adjourned.



SENATOR FRED VAN VALKENBURG
Chairman

Amend Senate Rule 1-1 by adding:

Whenever the President Pro Tempore of the Senate is of the opposite political party of the President, the following procedure shall apply.

1. If the President dies while in office, the members of his political party shall have the right to immediately nominate and elect an Acting President of the same party.
2. ~~If the President is absent but able and desirous of appointing an Acting President to act in his absence, he may do so.~~
3. If the President is absent for two or more Legislative Days or at any time after the 85th Legislative Day or at any time during Special Session of the Legislature, the members of his political party shall have the right to immediately nominate and elect an Acting President of the same party.

An Acting President of the Senate shall have all the powers of the President, ~~and supersede the powers of a president pro tempore.~~

*but able and desirous of ~~doing~~
so, appointing an acting president*