

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON RULES

Call to Order: By Chairman Jerry Driscoll, on January 3, 1991,
at 1:15 p.m.

ROLL CALL

Members Present:

Jerry Driscoll, Chairman (D)
Hal Harper, Vice-Chairman (D)
Dave Brown (D)
Paula Darko (D)
Larry Grinde (R)
Mike Kadas (D)
John Mercer (R)
Jim Rice (R)
Angela Russell (D)
Bill Strizich (D)
Chuck Swysgood (R)

Staff Present: Executive Director Legislative Council Bob
Person, Attorney Greg Petesch.

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion:

Discussion on Rules for the 52nd Legislature using the 51st
Legislature Rules for discussion.

Motion - By Rep. Harper: I move the proposed changes to
H50-220 (see Attachment 1) be adopted.

Motion carried by unanimous vote.

Motion - By Rep. Harper: I move the proposed changes to
H40-230; H40-160 with amendments; H30-50 and H50-80 (see
Attachment 2) be adopted.

Each House Rule was voted on separately and all motions
carried unanimously.

Motion - By Rep. Harper: I move the proposed changes to H40-100 (see Attachment 2), by adopted.

Rep. Harper explains 3/5 rule. A legislator needs 60 votes to over turn an adverse committee report.

Rep. Mercer concerned with 3/5 rule; changing H40-100 is just a further extension of that rule. This rule prevents the majority of the House from doing its will. With this rule you are protecting yourself from yourselves. However, we will support the Speaker on this proposal because it makes the rules consistent.

Rep. Harper: We are offering this change so we can finally dispose of bills. We are affirming the judgement of the committee and not taking away the will of the committee.

Rep. Brown: the 60/40 rule strengthens committees, rules, etc. To allow a simple majority vote would weaken the process.

Motion carried with all Representatives voting yes, except Rep. Brown and Rep. Swysgood voting no.

Motion - By Rep. Harper: I move the proposed changes to H10-20 be adopted (see Attachment 2). **Motion carried** by unanimous vote.

Motion - By Rep. Strizich: I move the proposed changes to H40-90 (see Attachment 3).

Motion carried, with Reps. Driscoll, Harper, Brown, Darko, Kadas, Russell, Strizich voting yes. Reps. Mercer, Grinde, Rice, Russell, Swysgood voting no.

Discussion on H40-90: Rep. Strizich explains proposal. This rule change attempts to modify the 3/5 rule. It changes the 3/5 rule for bills which are re-referred after second reading.

A bill can go through the process by going to a standing committee, to the floor, second reading and re-referred to another committee. In order to withdraw that bill from the second committee and upon a recommendation of "do not pass" a simple majority would be sufficient to deal with that bill. The majority of these bills fall in the re-referrals to Appropriations Committee.

Discussion: Rep. Mercer would like Rep. Harper to explain how the changes in H40-90 and H40-100 can be reconciled.

Rep. Harper: We give the Appropriations Committee the ability to look at every money bill that matters, it is only fair that if we give them blanket control that we should have the ability to bring that bill back out if we need to. We need to balance a budget and it is not a job to hand over to one committee. We need to all take part in it.

Rep. Driscoll: The rules are there to make the committees stronger.

Motion - Rep. Grinde: I move that we amend H30-30 to add the Whips as an ex officio member.

Discussion: Only one of the officers could be an ex officio member at any given time. This would allow Whips to be non-voting members of committee but ask question in committee hearings. This would allow Whips to bring information back to caucus and the Majority Leader would not have to be everywhere.

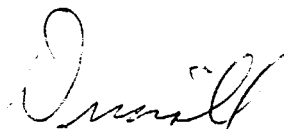
Rep. Harper concerned with Whips bottle-necking the process.

Rep. Grinde: Motion withdrawn

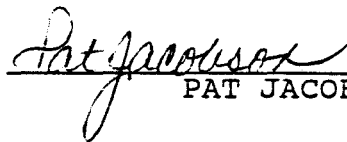
Discussion: Rep. Mercer suggests that committee chairs try alternating proponent then opponent during hearings.

ADJOURNMENT

Adjournment At: 2:11 p.m.



JERRY DRISCOLL, Chairman



PAT JACOBSON, Secretary

JD/phj

RULES COMMITTEE

DATE 1-3-91

PRESENT ABSENT EXCUSED

[illegible]

CSRULES.MAN

1/3/91

**Rules Amendments
Proposed by Rep. Driscoll**

1. The following rules changes would change the system of taking pairs and replace it with a system for authorized absentee votes.

H50-50. Leave with cause. (1) During a call of the House, a representative with an overriding medical or personal reason may request a leave with cause.

(2) If the representative is present at the time of the call, the Speaker may approve a request for a leave with cause.

(3) If the representative is not present at the time of the call, two-thirds of the representatives present and voting may approve a request for leave with cause.

(4) During a call of the House, a representative on leave with cause may not cast a ~~paired~~ an absentee vote.

H50-60. Motions. (1) Any representative may propose a motion allowed by the rules for the order of business under which the motion is offered for the consideration of the House. Unless otherwise specified in rule or law, a majority of representatives voting is necessary and sufficient to decide a motion.

(2) Seconds to motions on the House floor are not required. (3) Pairs Absentee votes are not allowed on votes that are specified as "representatives present and voting".

H50-220. Pairs Absentee votes. (1) An excused representative may file a ~~pairing slip~~ an absentee vote authorization form to vote ~~on any pairable vote~~ during the excused absence on any vote for which absentee voting is allowed.

(2) An excused representative shall sign ~~a pairing slip~~ an absentee vote authorization form that specifies the motion and the desired vote. ~~One representative desiring to vote on the opposite side of the motion shall also sign the pairing slip and may not vote in any other manner on the motion.~~

(3) The ~~pairing slip~~ absentee vote authorization form must be handed in at the rostrum by the party whip or designated representative before voting on the motion has commenced.

(4) The ~~pair~~ absentee vote authorization may be revoked before the vote ~~with the approval of both paired representatives~~ by the member who signed the authorization.

~~(5) Two representatives on either side of the question may pair on a motion requiring other than a majority vote.~~

**Rules Amendments
Proposed by Rep. Harper**

1. Change in joint rule governing constitutional amendment votes:

10-140. Voting. (1) A bill may not become a law except by vote of a majority of all the members present and voting in each house (Montana Constitution, Art. V, Sec. 11(1)). On final passage, the vote must be taken by ayes and noes and the names of those voting entered on the journal (Montana Constitution, Art. V, Sec. 11(2)).

(2) Any third reading vote in one house on a bill proposing an amendment to the Montana Constitution under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote.

2. Reconsideration of rejected conference committee reports:

H40-230. Conference committee reports. (1) When a House conference committee files a report, the report must be announced under Order of Business No. 3.

(2) The House may debate and adopt or reject the conference committee report on second reading on any legislative day. The House may reconsider its action in rejecting a conference committee report under rules for reconsideration. **H50-160.**

(3) If both the House and the Senate adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the House, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(4) If the House rejects a conference committee report, the committee continues to exist unless dissolved by the Speaker or by motion. The committee may file a subsequent report.

(5) A House conference committee may confer regarding matters assigned to it with any Senate conference committee with like jurisdiction and submit recommendations for consideration of the House.

3. Add reconsideration as an allowable motion on second reading:

H40-160. Motions in the Committee of the Whole. (1) When the House resolves itself into a Committee of the Whole, the only motions in order are to:

(a) amend;

(b) recommend passage or nonpassage;

(c) recommend concurrence or nonconcurrence;

(d) reconsider; - (e)

(d)(e) indefinitely postpone; (d)

(e)(f) pass consideration;

- ~~(f)~~(g) call for cloture;
~~(g)~~(h) rise, rise and report, or rise and report progress and beg leave to sit again; and
~~(h)~~(i) to change the order in which legislation is placed on the agenda.
(2) Subsections (1)(~~e~~) through (1)(~~g~~) are nondebatable but may be amended.
(3) If a quorum of representatives is not present during second reading, the Committee of the Whole may conduct no business on legislation and a motion for a call of the House without a quorum is in order.

H30-50. Reconsideration in committee. ~~Except for the Committee of the Whole, a~~ A committee, including the Committee of the Whole, may at any time prior to submitting a report to the Chief Clerk reconsider its previous action on legislation.

4. Add motion for suspension of the rules to list of nondebatable motions:

H50-80. Nondebatable motions. (1) A representative has the right to understand any question before the House and, usually under the administration of the presiding officer, may ask questions to exercise this right.

(2) The following motions are nondebatable:

- (a) to adjourn;
- (b) for a call of the House;
- (c) to recess or rise;
- (d) for parliamentary inquiry;
- (e) to table or take from the table;
- (f) to call for the previous question or cloture;
- (g) to amend a nondebatable motion;
- (h) to divide a question;
- (i) to postpone consideration to a day certain; and
- (j) to suspend the rules; and

~~(j)~~(k) all incidental motions, such as motions relating to voting or of a general procedural nature.

5. Provide that failure of a motion to reject an adverse committee report constitutes adoption of the report:

H40-100. Standing committee reports. (1) A House standing committee recommendation of "do pass" or "be concurred in" must be announced across the rostrum and, if there is no objection to form, is considered adopted.

(2) A recommendation of "do not pass" or "be not concurred in" must be announced across the rostrum and, on the following legislative day, may be debated and adopted or rejected on Order of Business No. 2. A motion to reject an adverse committee report must be approved by not less than three-fifths of the

members voting. Failure to adopt a motion to reject an adverse committee report constitutes adoption of the report.

(3) If the House rejects an adverse committee report, the bill progresses to second reading, as scheduled by the Speaker, with any amendments recommended by the committee.

6. Correction of erroneous cross-reference in H10-20:

H10-20. Speaker's duties. (1) The Speaker is the presiding officer of the House, with authority for administration, order, and decorum.

(2) The Speaker may order the galleries or lobbies cleared in case of disturbance or disorderly conduct.

(3) The Speaker shall appoint and may remove the members of all standing and select committees not otherwise specified by law or rule.

(4) The Speaker shall sign all necessary certifications by the House, including enrolled bills and resolutions, journals (section 5-11-201, MCA), subpoenas, and payrolls.

(5) The Speaker shall arrange the agendas for second and third readings each legislative day. Representatives may amend the agendas as provided in ~~H40-420~~ H40-130.

(6) The Speaker is the chief administrative officer of the House, with authority for supervising all House employees. The Speaker may seek the advice and counsel of the Legislative Administration Committee regarding employees.

1/3/91

Simple Majority Votes on Rereferred Bills Proposed by Rep. Strizich

H40-90. Legislation withdrawn from committee. (1) Legislation not previously adopted on second reading in the House may be withdrawn from a House committee by House motion approved by not less than three-fifths of the members present and voting.

(2) Legislation previously adopted on second reading and rereferred to a House committee other than the committee to which it had originally been referred may be withdrawn from a House committee by House motion approved by not less than a majority of the members present and voting.

H40-100. Standing committee reports. (1) A House standing committee recommendation of "do pass" or "be concurred in" must be announced across the rostrum and, if there is no objection to form, is considered adopted.

(2) A recommendation of "do not pass" or "be not concurred in" must be announced across the rostrum and, on the following legislative day, may be debated and adopted or rejected on Order of Business No. 2. A motion to reject an adverse committee report on a bill not previously adopted on second reading must be approved by not less than three-fifths of the members voting. A motion to reject an adverse committee report on a bill previously adopted on second reading and rereferred to a House committee other than the committee to which it had originally been referred must be approved by not less than a majority of the members present and voting.

(3) If the House rejects an adverse committee report, the bill progresses to second reading, as scheduled by the Speaker, with any amendments recommended by the committee.