

## **MINUTES**

### **MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION**

#### **JOINT COMMITTEE ON RULES**

**Call to Order:** By Senator Fred Van Valkenburg, on January 3, 1991,  
at 2:20 p.m.

#### **ROLL CALL**

**Members Present:**

Van Valkenburg, Chairman (D)  
Jerry Driscoll, Vice-Chairman (D)  
Joseph Mazurek (D)  
Bruce Crippen (R)  
Delwyn Gage (R)  
Judy Jacobson (D)  
Thomas Keating (R)  
Hal Harper (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)

**Members Excused:** Paul Svrcek (D)

**Staff Present:** Greg Petesch (Legislative Council, Legal Services)

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

**Announcements/Discussion:** Senator Van Valkenburg opened the  
meeting stating that its purpose was to adopt a preliminary  
joint rules resolution for introduction on the first  
legislative day, January 7, 1991. Discussion focused on  
changes to the Joint Rules in place at the end of the 51st  
Legislative.

**MOTION:** Representative Jerry Driscoll moved that the committee  
adopt a revision of the conference committee jurisdiction, Joint  
Rule 30-30, as drafted in Attachment A. The motion passed  
unanimously.

**DISCUSSION:** Representative Jerry Driscoll proposed changes to Joint  
Rule 30-30 which would allow conference committees to amend

disputed amendments. Under current rules, conference committees can only accept or reject amendments on which the two houses cannot agree. Rep. Driscoll noted that the consequence of current procedure results in the frequent need for free conference committees and is a waste of time. Senator Van Valkenburg noted that, moreover, this rule change would prevent legislation from being subject to the many possible, and unexpected, amendments which could be made by a free conference committee. Senator Keating expressed concern that the public needs to understand the importance of this rule change and the new power of conference committees. Rep. Driscoll predicted that the public attendance at conference committees would increase. Rep. Harper supported the rule change because it would make the process more efficient and easier for the public to follow a bill through its final stages. Senator Crippen supported the motion noting that appointments to conference committees will be more important. Greg Petesch, legal council for the Legislative Council had no comment on the motion.

Rep. Harper suggested amending Joint Rule 10-140 to say that the third reading vote would be the final vote on a bill proposing an amendment to the Montana Constitution. The matter was withdrawn from consideration because the committee was concerned that the bill might not receive full consideration by both houses.

**MOTION:** Senator Jacobson proposed changes to Joint Rule 30-60 (Attachment B.) assigning to the Revenue Oversight Committee the duty of introducing early in the session a House resolution estimating revenue that may be available for appropriation. The Revenue Oversight Committee shall issue reports updating revenue projections on the 40th and 60th legislative days. The motion received unanimous approval.

**DISCUSSION:** Senator Van Valkenburg proposed to change this rule to conform with statute allowing the Revenue Oversight Committee (ROC) to issue periodic revenue projects during the session. The rule change is not an attempt to give the ROC final say on revenue estimates or to relieve the legislature of its duty to estimate revenue. Until the revenue estimate resolution is passed, the ROC estimate will be the official number. It is understood that the Chair of the ROC will introduce the revenue estimate resolution.

**MOTION:** Representative Driscoll moved to adopt a schedule for transmittal deadlines as outlined in Attachment C. The schedule was unanimously adopted.

**DISCUSSION:** The proposed schedule is similar to last session's with the following changes: The transmittal deadline for amendments to general bills and resolutions would be on the 73rd legislative day and the deadline for transmittal of amendments to revenue bills and the revenue estimate would be on the 82nd day.

Senator Mazurek brought up the option of a shorter general transmittal break allowing for an extra day off for President's weekend and Easter. The committee decided to refer the change in

break days to caucuses.

MOTION: Senator Gage proposed amending Joint Rule 40-160 (Attachment D.) changing the enrolling procedure omitting the process of redlining old matter on additional copies of a bill. Deleted matter will now be shown as stricken. Motion passed unanimously.

DISCUSSION: Greg Petesch said the change in procedure would make the enrolling process much more efficient.


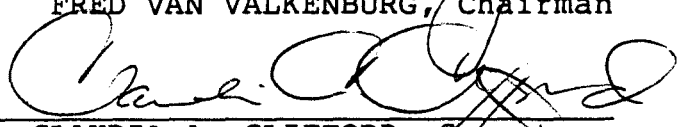
MOTION: Senator Gage moved that changes be made in the Joint Rules to prohibit the creation of legislative interim studies through bills rather than through the joint resolution process. (Attachment E.) The motion failed because a majority of House members voted in opposition. The vote was as follows: Senators: Ayes-5 Nays-1; Representatives: Ayes-4 Nays-7.

DISCUSSION: Senator Gage and Representative Mercer spoke in support of the motion by pointing out that many more interim studies receive legislative approval than can be funded or staffed. Senator Gage said that the process of using bills to mandate studies was having the effect of leaving studies proposed through the resolution process underfunded. Rep. Driscoll opposed the idea and said that the Legislative Council could recommend an appropriation be added to its budget or to the bills already mandating the study when the Council anticipates shortage of staff. If the study is important then the legislature will approve the appropriation. Rep. Driscoll went on to say that if there was insufficient money to fund the studies, they wouldn't be done which was no different than other government agencies not implementing or enforcing laws because they didn't have enough money. Others opposing the motion argued that the change would also limit legislative flexibility, especially in cases late in the session when a bill is too complicated and requires more study.

Chairman Van Valkenburg directed the legislative Council to draft a Joint Rules Resolution including this meeting's amendments for introduction during the first legislative week.

#### ADJOURNMENT

Adjournment At: 3:10 p.m.

  
FRED VAN VALKENBURG, Chairman  
  
CLAUDIA A. CLIFFORD, Secretary

ATTACHMENT A.

**Revision of Conference Committee Jurisdiction**

**30-30. Conference committees.** (1) If either house requests a conference and appoints a committee for the purpose of discussing an amendment on which the two houses cannot agree, the other house shall appoint a committee for the same purpose. The time and place of all conference committee meetings must be agreed upon by their chairmen and announced from the rostrum. This announcement is in order at any time. Failure to make this announcement does not affect the validity of the legislation being considered.

(2) A conference committee, having conferred, shall report to the respective houses the result of its conference. A conference committee shall confine itself to consideration of the disputed amendment. The committee may recommend:  
~~accepting or rejecting~~

(a) acceptance or rejection of each disputed amendment in its entirety; or

(b) further amendment of the disputed amendment.

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

Jt. Rules  
1/3/91

ATTACHMENT B.

PROPOSED AMENDMENT TO JOINT RULE 30-60  
Proposed by Senator VanValkenburg

~~30-60. Joint committee to estimate~~ Estimation of revenue.

(1) ~~There is a joint committee composed of members of the House and Senate Committees on Taxation. The joint committee~~ The Revenue Oversight Committee shall ~~consider any~~ introduce a House resolution introduced for the purpose of estimating revenue that may be available for appropriation by the Legislature. ~~The joint committee must be composed of three members from each political party in each house appointed by the chairmen of the respective Committees on Taxation.~~

(2) Meetings of the ~~joint committee~~ Revenue Oversight Committee for purposes of estimating revenue must be held upon the call of the chairman of the ~~joint committee, who must be a member of the House.~~ The ~~joint committee~~ Revenue Oversight Committee shall issue periodic reports to each of the houses, indicating the committee's current revenue projections. The reports must be issued on the 40th day and the 60th day.

Attachment  
H. Rules  
1-3-91

**TRANSMITTAL DEADLINES**  
**JR 40-200**

**51ST LEGISLATURE**

45	60	67	70	71	80	83
Sub Committee Finished	Revenue Estimate	Approp.	General Amend.	Revenue	Approp. Amend.	Rev. Amend. & Rev. Est.

**PROPOSED TRANSMITTAL DEADLINES**

45	60	67	73	71	80	82 81
Sub Committee Finished	Revenue Estimate	Approp.	General Amend.	Revenue	Approp. Amend.	Rev. Amend. & Rev. Est.

ATTACHMENT C.

## ATTACHMENT D.

PROPOSED AMENDMENT TO JOINT RULE 40-160  
Proposed by Senator Gage

40-160. Enrolling. (1) When a bill has passed both houses, it must be enrolled. An original and two duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches at the top and one inch on each side. In sections amending existing statutes, new matter must be underlined and ~~stricken~~ deleted matter must be ~~emitted~~ shown as stricken. ~~The original and two copies of the bill must be red-lined.~~ The history of the bill also must 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.

(2) When the enrolling is completed, the bill must be examined by the sponsor.

(3) The correctly enrolled bill must 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 case he shall sign it that day. The fact of signing must 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 must be permitted to do so. The bill then must be transmitted to the other house where the same procedure must be followed.

(4) A bill that has passed both houses of the Legislature by the 90th day may be:

- (a) enrolled;
- (b) clerically corrected by the presiding officers, if necessary;
- (c) signed by the presiding officers; and
- (d) delivered to the Governor not later than 5 working days after the 90th legislative day.

(5) All journal entries authorized under this rule must be entered on the journal for the 90th day.

(6) The original and two copies signed by the presiding officer of each house must be presented to the Governor in return for a receipt. A report then must be made to the house of the day of the presentation, which must be entered in the journal.

(7) The original must be filed with the Secretary of State. Signed copies with chapter numbers assigned pursuant to section 5-11-204, MCA, must be filed with the Clerk of the Supreme Court and the Legislative Council.

## **Change to Joint Rules Proposed by the Legislative Council**

(The concept, not specific wording was proposed by the Council)

### **1. New rule to disallow bills as vehicles for legislative interim studies:**

**"40-55. Bills not to include interim studies.** A bill may not be introduced or amended to include a request for an interim study by a legislative entity, including, without limitation, a legislative agency, committee, or subcommittee. Legislative entity interim studies may be requested by resolution under 40-60 and funded through the general appropriations act only."

### **2. Amend Joint Rule 40-60 to conform with the change in 1, above:**

**"40-60. Joint resolutions.** (1) A joint resolution must be adopted by both houses and is not approved by the Governor. It may be used to:

- (a) express desire, opinion, sympathy, or request of the Legislature;
- (b) request an interim study by a legislative ~~subcommittee~~ entity;
- (c) adopt, amend, or repeal the joint rules;
- (d) set salaries and other terms of employment for legislative employees;
- (e) approve construction of a state building under section 18-2-102 or 20-

25-302, MCA;

(f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

(g) submit a negotiated settlement under section 39-31-305(3), MCA;

(h) declare or terminate an energy emergency under section 90-4-310, MCA;

(i) ratify or propose amendments to the United States Constitution; or

(j) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of Montana.

(2) Except as otherwise provided in these rules or The Constitution of the State of Montana, a joint resolution is treated in all respects as a bill.

(3) A copy of every joint resolution must be transmitted after adoption to the Secretary of State by the Secretary of the Senate or the Chief Clerk of the House."

-end-



Meeting Date  
1/3/91

# Joint Rules Committee

## Votes On Motions

	20-30	20-60	40-160	Indemnity As								
Sen. Van Valkenburg, Chair	Aye	A	A	A								
Rep. Driscoll, Vice Chair	A	A	A	N								
Sen. Mazurek	A	A	A	A								
Sen. Crippen	A	A	A	A								
Sen. Gage	A	A	A	A								
Sen. Jacobson	A	A	A	N								
Sen. Keating	A	A	A	A								
Sen. Svrcek	—			✓								
Rep. Harper	A	A	A	N								
Rep. D. Brown	A	A	A	N								
Rep. Darko	A	A	A	N								
Rep. Grinde	A	A	A	A								
Rep. Kadas	A	A	A	N								
Rep. Mercer	A	A	A	A								
Rep. Rice	A	A	A	A								
Rep. Russell	A	A	A	N								
Rep. Strizich	A	A	A	N								
Rep. Swysgood	A	A	A	A								

Sen:  $\frac{7}{5}$   $\frac{2}{1}$   
Rep:  $\frac{4}{4}$   $\frac{7}{7}$