

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON RULES

Call to Order: By **CHAIRMAN JOHN G. HARP**, on April 4, 1995, at 8:00 a.m.

ROLL CALL

Members Present:

Sen. John G. Harp, Chairman (R)
Sen. Robert "Bob" Brown, Vice Chairman (R)
Sen. Gary C. Aklestad (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. Ethel M. Harding (R)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Judy H. Jacobson (D)

Members Excused: Sen. Bruce D. Crippen (R)
Sen. Fred R. Van Valkenburg (D)

Members Absent: None.

Staff Present: Greg Petesch, Legislative Council
Fredella Haab, Secretary

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

Committee Business Summary:

Hearing: SB 132

Discussion:

Greg Petesch explained the rules and statutes provided when the Governor's amendments were sent to the originating House, that House had to accept or reject the Governor's amendments and transmit the bill along with acceptance or rejection of the amendments to the second house. He explained the procedure had not been followed for SB 132. The failed motion to concur on the Governor's amendments could have been treated as rejection of the amendments or there could have been another motion to reject the amendments. The Joint Rules required it to be treated as an amendment to the whole. He explained under Senate Rules the rejection of the amendment could be treated as a failure but the Senate had not transmitted the amendment to the House. Even though the House had already acted on the amendment, the Senate still need to transmit it to comply with the rules.

SEN. BOB BROWN asked what action **Mr. Petesch** would advise. **Greg Petesch** suggested the Senate either transmit the bill or take a vote to reject the Governor's amendments. **SEN. BROWN** stated he did not think it would help to reject the Governor's amendments. **Greg Petesch** advised some Senators were of the opinion that no positive action had been taken in the Senate. **SEN. BROWN** asked where in the Senate Rules it indicated the Senate should do that. **Greg Petesch** explained at the present time there was only a failed motion. The Senate had not acted positively to accept or reject the Governor's amendments.

SEN. BROWN argued if it was treated an amendment, as the Joint Rules stated, then the final disposition of that motion was that the amendment had failed. **Greg Petesch** clarified the motion to accept had failed. **SEN. BROWN** expressed he understood that was what could be said. **Greg Petesch** stated if that was what the Senate wished to do, then that was the Senate's prerogative. **SEN. BROWN** expressed concern that a policy should be adopted for the situation in the future.

SEN. STEVE DOHERTY suggested the Senate make a positive motion to reject the amendment. **CHAIRMAN JOHN HARP** added the amendment could then be transmitted to the House.

SEN. BROWN stated he wanted to clarify the Senate Rules provided for that.

CHAIRMAN HARP stated that was not necessary. The intent was simply to set a standard for instances where there was no positive motion to either reject or accept the Governor's amendments. He explained the question in the particular situation was how to handle bringing a motion to accept the Governor's amendments. He added someone would make a substitute motion to reject, vote and be done with it.

SEN. BROWN asked what would happen if **SEN. AL BISHOP** prevailed. **CHAIRMAN HARP** said it would be transmitted to the House and the House would vote on it.

SEN. GARY AKLESTAD stated he did not understand the necessity of a positive motion especially on the amendment.

CHAIRMAN HARP noted SB 132 was no longer before the Committee of the Whole; it had been acted upon and needed to be transmitted to the House. He explained **SEN. BISHOP** would get up on the floor and make a motion to reconsider which would be out of order because the last motion was made on March 30th. He asked what was the wish of the Committee?

SEN. BROWN stated they needed to make a decision because the situation would come up again.

CHAIRMAN HARP recommended the motion be allowed on Second Reading, be rejected and sent to the House. He suggested the

situation should have been handled that way the first time. A mistake had been made, the motion failed and the Senate had not made a substitute motion.

Greg Petesch noted technically the Senate had neither a concurrence or rejection to transmit to the second House. He recalled an instance where the Governor's Amendments had remained in the Senate for several successive days. He noted that situation would be historic precedent for requiring positive action from the Senate to transmit on the Governor's amendment.

SEN. BROWN summarized if a motion to reject was made and passed the situation would be fine, however if the motion failed the Senate would have to return the situation to the Rules Committee. **CHAIRMAN HARP** alleged the House should not have acted before the Senate transmitted the bill.

Motion: SEN. DOHERTY MADE THE MOTION TO DISPOSE OF THE GOVERNOR'S AMENDMENTS WITH A POSITIVE MOTION.

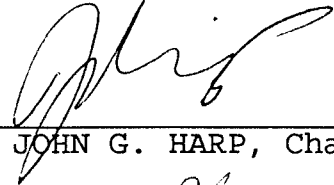
CHAIRMAN HARP stated the positive action had to be taken whether the amendment was eventually accepted or rejected to allow the second House to act.

Vote: The motion CARRIED UNANIMOUSLY.

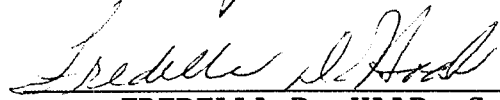
Motion/Vote: SEN. TOM BECK MADE THE MOTION SB 132 BE PLACED ON SECOND READING. The Motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: CHAIRMAN JOHN HARP adjourned the meeting at 8:25
a.m.



SEN. JOHN G. HARP, Chairman



FREDELLA D. HAAB, Secretary

JGH/fdh