

## **MINUTES**

### **MONTANA SENATE-HOUSE 55th LEGISLATURE JOINT COMMITTEE ON RULES**

**Call to Order:** By Senator John Harp, Chair, on Thursday,  
December 12, 1996, at 12:30 p.m., in Room 420.

#### **ROLL CALL**

##### **Members Present:**

Sen. John G. Harp, Chairman (R)  
Sen. Gary C. Aklestad, Vice Chairman (R)  
Sen. Thomas A. "Tom" Beck (R)  
Sen. Bruce D. Crippen (R)  
Sen. Eve Franklin (D)  
Sen. Mike Foster (R)  
Sen. Lorents Grosfield (R)  
Sen. Mike Halligan (D)  
Sen. Charles "Chuck" Swysgood (R)  
Sen. Fred R. Van Valkenburg (D)  
Rep. Larry Grinde (R)  
Rep. Shiell Anderson (R)  
Rep. Ernest Bergsagel (R)  
Rep. Sonny Hanson (R)  
Rep. Karl Ohs (R)  
Rep. John Mercer (R)  
Rep. Scott Orr (R)  
Rep. Harriet Hayne (R)  
Rep. Vicki Cocchiarella (D)  
Rep. Dan Harrington (D)  
Rep. Joe Quilici (D)  
Rep. Bob Ream (D)

**Members Excused:** Rep. Marian Hanson (R)  
Rep. Tim Dowell (D)

**Members Absent:** None.

**Staff Present:** Lynn Staley, Committee Secretary

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

**CHAIRMAN HARP** asked **Greg Petesch, Legislative Services Division,**  
to explain the changes in the Joint Rules of the Montana Senate  
and House of Representatives. **EXHIBIT 1**

**RULE 10-130 - BILLS**

**Greg Petesch** referred to page 5, Exhibit 1, joint rule 10-130, Bills, subparagraph (4), provides that in general appropriation bills and general revisions, the list of code sections amended or repealed doesn't have to appear in the title. He indicated with the automated bill drafting system, sections numbers are automatically generated in the bill so the rule is not necessary.

**Motion/Vote:** **SENATOR CRIPPEN** moved that joint rule 10-130, (4) be deleted. Motion **CARRIED UNANIMOUSLY**.

#### **RULE 30-30 - CONFERENCE COMMITTEES**

**Greg Petesch** explained that joint rule 30-30, page 8, **EXHIBIT 1** clarifies the Chair of the conference committee; the member designated by the House in which the bill was introduced is responsible for getting the conference committee together. He noted the language came from the Legislative Improvement Subcommittee of the Legislative Council.

#### **Questions From Committee Members and Responses:**

**SENATOR AKLESTAD** said the rules are clear dealing with subcommittee chairs.

**REPRESENTATIVE HANSON** voiced his support, indicating that the house of origin that the bill came from should be chair of the conference committee and initiate the actions.

**SENATOR CRIPPEN** expressed his support of the President of the Senate selecting the senators on the conference committee. He voiced his objection to the proposed rule change.

**SENATOR BECK** noted concern with all appropriation bills originating in the House that the Senate would not chair those conference committees.

**REPRESENTATIVE SONNY HANSON** stated his intention that revenue bills would be excluded.

**CHAIRMAN HARP** questioned if there had been a previous problem that necessitated the question being brought to the legislative improvement subcommittee.

**REPRESENTATIVE MERCER** said efficiency was the main reason as the person most interested in the legislation would get it to the conference committee for action.

**REPRESENTATIVE GRINDE** contended that House bills could be chaired by House members and Senate bills chaired by Senate members.

In questioning from **SENATOR AKLESTAD** whether this also referred to free conference committees, **SENATOR HARP** said it referred to free conference committees.

**Mr. Petesch** said as the rule is written, it would include all bills with no exceptions, including appropriation bills.

**Motion:** **REPRESENTATIVE BERGSAGEL** moved to amend Rule 30-30 to reflect that the house of origin be the conference committee chair with the exception of revenue and appropriation bills, and with that exception to approve the rule change. Revenue and appropriation bills would be the responsibility of the Senate to chair and manage.

**SENATOR VAN VALKENBURG** maintained that the current rule makes it clear that the member of the Senate is the chairman of any joint committee.

**REPRESENTATIVE COCCHIARELLA**, speaking in support of the motion, explained that it would eliminate much confusion on conference committees.

**Vote:** **REPRESENTATIVE BERGSAGEL'S** motion **FAILED** on a roll call vote.

**RULE 30-70 - OVERSIGHT OF JOINT LEGISLATIVE AGENCIES AND COMMITTEES**

**Greg Petesch** explained that joint rule 30-70, page 9 of the joint rules was for leadership to have a management function over legislative agencies. Because of last session's enactment of the reorganization bill, leadership were put on the legislative council and statutorily assigned oversight duties to the Council and concurrence of the Audit and Finance Committees as required for certain policy decisions. Rule 30-70 is now redundant and superseded by the statute governing the role of the Legislative Council.

**Motion/Vote :** **SENATOR SWYSGOOD** moved that joint rule 30-70 be stricken in its entirety. Motion **CARRIED UNANIMOUSLY**.

**RULE 40-40 - BILL REQUESTS AND INTRODUCTION - LIMITS AND PROCEDURES**

**Greg Petesch** explained joint rule 40-40(7), page 13 of joint rules, requiring that all pre-introduced bills be made available to the public. Because of the requirement to give out copies of documents in their possession, subsection (7) is meaningless and confusing.

**Motion/Vote:** **REPRESENTATIVE BERGSAGEL** moved to strike joint rule 40-40, subsection 7. Motion **CARRIED UNANIMOUSLY**.

**RULE 40-100- FISCAL NOTES**

**Greg Petesch** explained joint rule 40-100 concerning fiscal notes. He reported that there had been a bill prohibiting unfunded mandates being passed by the state legislature down to local

governments. Proposed rule 40-100 would lay out the procedure for a fiscal note on a draft bill that appears to have an unfunded mandate for a local government. The current statute provides that a bill may not be introduced if it has an unfunded mandate for local government, and the fiscal note has to accompany the bill at the time of introduction.

Questions from committee members and responses:

In questioning from **SENATOR FOSTER** regarding time preparation deadlines for fiscal notes, **Greg Petesch** said a regular fiscal note for an introduced bill has a six day turnaround time. An additional four days is given on local government bills because of the draft nature of the bill, the fact that the Budget Director has to contact local governments for information, and because of transmission of information between local government units and the Budget Office.

**SENATOR VAN VALKENBURG** indicated that the rule is implementing the statute.

In questioning from **REPRESENTATIVE GRINDE** whether the Legislative Fiscal Division (LFD) could be used for fiscal notes, **Mr. Petesch** said the LFD is busy in subcommittee at the time most fiscal notes need to be done. He concluded that **Mr. Schenck** should be consulted if such a change was being considered.

**SENATOR BECK** explained that there was some real intent behind not sending unfunded mandates down to local governments which is the basis behind rule 40-100.

Motion: **SENATOR BECK** moved to adopt joint rule 40-100.

Questions from committee members and responses:

**SENATOR GROSFIELD** said he would like **Mr. Petesch** to draft language tying the sponsor's 24 hours reviewing a fiscal note to legislative days.

In questioning from **SENATOR AKLESTAD** relative to 40-100, 4(b) dealing with the budget director having 10 days to prepare the estimate, **Mr. Petesch** explained that the budget office would have to contact local governments to determine impacts which could take a longer period of time.

**SENATOR BECK** questioned if it would be possible to require the budget office to prepare the estimate in six days rather than ten days.

**Mr. Petesch** claimed better information would be obtained if ten days were allowed because this could involve school districts, counties, cities, towns, conservation districts, etc.

**SENATOR FOSTER** said he would like to see joint rule 40-100 changed to reflect ten days for the budget director to prepare the estimate to eight days.

**Motion/vote:** **SENATOR BECK** said his motion would be to adopt Rule 40-100, adding an additional legislative day to the 24 hours to review a fiscal note, also changing the number of days that the Budget Director has to prepare a fiscal note from ten days to eight days.

**SENATOR BECK'S** motion on Rule 40-100 **CARRIED UNANIMOUSLY.**

**Mr. Petesch** remarked that an additional item needing discussion in Rule 40-100(2), deals with how the fiscal note process gets initiated for regular bills. Three copies of a bill requiring a fiscal note need to be transmitted to the Budget Office. Because the Budget Office picks those up electronically from the Bulletin Board as soon as they are introduced, paper is being wasted. He noted that the Budget Office indicated that subsection (2) could be eliminated because they are picking up all bills as needed. He concluded that three copies could be changed to an electronic copy as shown in subsection (2).

**Motion/vote:** **SENATOR VAN VALKENBURG** moved to retain rule 40-100 subsection (2) but indicate that Legislative Services Division shall make available an electronic copy of any bill.

**SENATOR VAN VALKENBURG'S** motion **CARRIED UNANIMOUSLY.**

**Bob Person, Legislative Services Division**, indicated that this rule regards any bill prepared for introduction. The rule, although in effect for approximately ten years, was followed for one session and has not been followed since because neither Legislative Services Division nor the Budget Office wanted to do it. He added it was for any draft ready for introduction.

When questioned by **SENATOR VAN VALKENBURG** how many bills are given to members for introduction that never get introduced, **Mr. Person** contended that approximately a fourth of them are in that category.

#### **RULE 40-150 - Engrossing**

**Mr. Petesch** said regarding engrossing committee amendments in the second house, there will be the equivalent of a second reading copy rather than a blue bill with a sheet of amendments stapled to it. This would not require the engrossing of committee amendments to bills in the second house, and a tan version of a bill would be printed for second reading in the second house. There will be the text of the bill which would make amendments much easier.

**Motion/vote:** **SENATOR AKLESTAD** moved the new language in joint rule 40-150 (3). Motion **CARRIED UNANIMOUSLY.**

Mr. Petesch explained that included in the proposal is allowance for the originating house to request copies of the amendments added to the bill because the amendments are either accepted or rejected. Rather than having them all printed, there would be the reference bill which would allow the originating house to request copies of the amendments from the transmitting house.

RULE 40-210 - GOVERNOR'S VETO

Mr. Petesch characterized the rule as conforming to the constitutional amendment that had not taken effect in the last legislative session but would be in effect this legislative session. The rule would give the Governor a uniform ten day period to act on all bills, rather than five days during the legislative session and 25 days after the legislature is adjourned.

Motion/vote: SENATOR GROSFIELD moved the change to Rule 40-210 as stated by Mr. Petesch.

Motion CARRIED UNANIMOUSLY.

LC 151 - Legislative Council Recommendations

Mr. Petesch distributed to the members LC 151, recommendations that the Legislative Council has considered and approved and asked that they be brought before the Joint Rules Committee.

**EXHIBIT 2**

REPRESENTATIVE GRINDE questioned language referring to Legislative Council rather than Legislative Services Division.

Mr. Petesch commented that he would like adoption of the change to the Legislative Services Division.

Motion/vote: REPRESENTATIVE GRINDE moved the name change of the Legislative Council to the Legislative Services Division.

Motion CARRIED UNANIMOUSLY.

CHAIRMAN HARP announced there were seven items before the Rules Committee dealing with rule changes in the Joint Resolution.

**EXHIBIT 2** He added that an item with great interest is the rule dealing with minutes in committee settings, and at this point he would elicit testimony dealing with committee minutes.

RULE 30-80 - MINUTES OF COMMITTEE MEETINGS

Beth Baker, Department of Justice, voiced concern over the proposal to eliminate summary minutes. She noted the importance of committee minutes in the statutory construction process, stating that only a tape recording of those sessions would not be adequate. She maintained that committee minutes are a very important indication of the legislature's intent. Attorney

General opinions deal with legislation passed approximately 20 years ago and laws that have been around for a long time. She explained that minutes from the last few sessions have been wonderful because they are comprehensive, whereas approximately 10 years ago they were very cursory and it was difficult to gain information from them.

**Ms. Baker** voiced concern with tape recordings not being an official record of committee minutes because tapes are subject to different interpretations. She proclaimed that many times the tapes are difficult to understand, and there would not be an official record that could be introduced to the court as proof of legislative intent. She contended that competing parties in the litigation would be making their own transcripts and arguing to the court which one is more accurate, which would take considerable time and expense. Also of importance is the preservation of the record as tapes tend to deteriorate. She concluded that much of their litigation is time sensitive, and arguments must be prepared in a short period of time, which is achievable when reviewing the minutes and finding the bill they are interested in. It would be virtually impossible to attempt to find the precise discussion on a tape that entailed a three hour hearing. Legislator's intent may be lost because there would not be ready access to that information, as it would be kept in the Historical Society archives and not used as a good reliable indicator of what was transpiring at the time.

Questions from committee members and responses:

**SENATOR FOSTER** questioned the number of times statutes are dealt with that are over 15 years old.

**Ms. Baker** stated it was not uncommon especially with Attorney General Opinions. It is not so much with litigation as that is more recently enacted measures.

**REPRESENTATIVE COCCHIARELLA** questioned if the Attorney General's office used the minutes as verbatim or an accurate transcript of what happened during the committee meeting or if tapes were also used.

**Ms. Baker** indicated that they use the transcript, but also have gone to the Historical Society.

When questioned by **SENATOR CRIPPEN** as to what percentage of Attorney General opinions are researched by looking at the minutes that are pertinent to the opinions, **Ms. Baker** said while she could not give a definitive answer, she looked back at the last six months' worth of opinions and many of them involved statutory construction, with several of them citing to the committee minutes.

**SENATOR CRIPPEN** questioned how many times minutes are reviewed relative to appeals.

**Ms. Baker** indicated she had been involved in several cases during the interim period where minutes were reviewed quite often. In further questioning from **SENATOR CRIPPEN**, she said the rule that the courts technically apply is that they will only resort to the committee minutes if the statute has some ambiguity to it.

**Candace Torgerson**, attorney representing the Montana State Bar Association, explained that summary minutes are used all the time for statutory interpretation, research, legislative drafting, and to limit parameters of administrative rules. She voiced concurrence in statements made by **Ms. Baker**, adding that the current method of recordkeeping gives a paper copy that can be introduced into evidence in court; they are hard evidence of legislative intent. Having only a tape recording would require more time and money to prosecute the case, adding to the cost of litigation. Only tape recordings would also make it more difficult for the general public to be aware of what happened in the legislative meetings. Currently in the State Law Library there is a written copy, a summary of what transpired in the meeting, who spoke, the written testimony is introduced, making it easy to access. It is more complicated on a tape and detracts from the legislature's relationship with the ordinary people. While recognizing that the current system may not be infallible, major changes such as keeping it completely on tape should be approached very cautiously. While it would be fine to have tapes and an index, summary minutes should also be kept; more record rather than less.

Questions from committee members and response:

When questioned by **SENATOR CRIPPEN** if the legislature is required by law since they are a public body to keep minutes, **Mr. Petesch** said that was correct.

In questioning from **SENATOR CRIPPEN** if minutes are kept but are not signed by the Committee Chair whether they are a draft but not an official record, **Mr. Petesch** said each body has a rule that requires the chairman of each committee to certify or authenticate the minutes, Senate Rule 30-50 and House Rule 30-20.

**SENATOR CRIPPEN** questioned how the chair could certify they are correct if they are a tape recording. **Mr. Petesch** said the proposal would require that the enumerated items (**EXHIBIT 2, A THROUGH H**) would be in a hard printed copy which is what the presiding officer would authenticate. Tapes would be referred to for the discussion.

In further questioning from **SENATOR CRIPPEN** if that would satisfy the law requiring that a public body have a set of minutes, **Mr. Petesch** said yes, this proposal was drafted to comply with section 2-3-212 of the Montana Code.

**REPRESENTATIVE SONNY HANSON** reported that he contacted 14 states, gathering their committee rules which he has worked from. He



maintained that the suggestion of tape recorded minutes is a step toward the electronic age and added that several large states keep their minutes for a year or two and then discard them. Some states also destroy recordings of committee minutes; they are not retained as they are in Montana. He argued that the minutes are not a legal document; they may be used as a legal document, but they are the interpretation of the secretary. He concluded that Montana should either keep the records electronically and a record log of where items appear on it or the minutes should be transcribed in their entirety so it is a legal document.

In questioning from **SENATOR FOSTER** as to the cost difference in keeping the minutes as they currently are versus doing them by tape recording only, **SENATOR HARP** said he was not aware of any actual dollar amount that could be stated. It was noted in an interim committee meeting that during the last session one set of minutes did not arrive until January of '96. Another set of minutes took as long as six months after adjournment. He assumed those dollars would be included in the legislative budget.

**SENATOR FOSTER** felt some of the concerns could be alleviated in **EXHIBIT 2**, page 2, (3)(e), names of witnesses, those names of witnesses should include their designation as either a proponent or opponent or other.

**REPRESENTATIVE QUILICI**, relating an experience when he testified in a court proceeding as to legislative intent, stated that legislative intent is determined by having a set of minutes and the actions taken in the standing committee.

**SENATOR FRANKLIN** described using the minutes when talking to constituents. She alleged that a relationship with Montana constituents is different than some other parts of the country and that could be lost if there wasn't a record of proceedings that went beyond names, time and place and motions. She felt it was the intent of the public meeting law that the public have access to the legislative proceedings which are contained in committee meetings. She concluded it would be worthwhile to look at the discussion from a perspective of how to do a better job, but she felt omitting additional information in the minutes would be a mistake.

**SENATOR GROSFIELD** conveyed that although we are moving into an electronic age, we are not currently at that stage. He expressed concern if tapes were lost, erased or some other malfunction. If that were the case, there could be no record of proceedings. He stated concern in not having a good solid legislative record of hearings to guide the judiciary in their proceedings. He noted the acoustical problems in legislative hearing rooms that made recordings difficult to hear. He concluded that investing in better equipment would be necessary if the new joint rule 30-80 were adopted. He remarked that there are many new secretaries every session and with limited training produce a set of minutes. The minutes are the secretary's interpretation and are only

summary minutes, with much information not included. He concluded that the new proposal is premature and there should be focusing on the current system which he is not comfortable with.

**SENATOR VAN VALKENBURG** relayed that recording summary minutes is not only important for judicial interpretation but also for legislative history from a legislative perspective.

**SENATOR HALLIGAN** added if there was a bill to eliminate the statement of intent, it would further erode the legislator's ability to express himself. Until the state has the digital sound capability, the public should be aware of the legislative proceedings that are reflected in committee minutes.

**Motion:** **REPRESENTATIVE MERCER** moved that the Joint Rules Committee adopt the change in the minutes as recommended by the Legislative Services Division for the reason that there was an interim study on this and they made this recommendation.

**REPRESENTATIVE MERCER** said ideally there should be a transcript of everything that is said in the committee meetings, however currently there is only someone's interpretation of what was said. There is no transcript of committee of whole meetings where major decisions are made for the state, which he felt was important. He added that money being paid to committee secretaries doing minutes long after the session adjourns is money that could be spent in other important areas, also the new proposal would save the state money.

**SENATOR CRIPPEN** declared that the legislature is a public body that is in the public eye and even though costs would be eliminated with the new proposal, it would be a mistake to change the makeup of the minutes.

**REPRESENTATIVE SONNY HANSON** indicated that he had mentioned what other states were doing about minutes to show that Montana was not the only state considering this option. He maintained that Montana has to start recognizing that there will be term limits which will affect many current legislators. It is the duty of the current legislators to start adjusting the rules and the operation of both houses to facilitate the new legislators that will begin their terms.

**REPRESENTATIVE COCCHIARELLA** declared her support of the pending motion because of her experience in reading minutes that did not reflect what was said in committee meetings, rather an interpretation of what happened in the meeting.

**Amended motion:** **SENATOR FOSTER** moved to amend **REPRESENTATIVE MERCER'S** motion to show on proposed joint rule 30-80(e) **EXHIBIT 2, page 2** that the minutes identify the speaker's principal and a designation as to whether or not that witness is a proponent, opponent or other.

**SENATOR HARP**, in supporting the amended motion, said the interim committee that studied the new proposal was made up of people that understood the process, adding that the general public will continue to have the advance public notice and the openness of the legislative process. He said he is satisfied that the attempt is to move the process closer to something useful and something that would make sense. He concluded that the current system is not as effective as it should be.

**Vote:** The amended motion to adopt Joint Rule 30-80 **EXHIBIT 2, page 2** with the amendment to subsection (e) **FAILED ON A ROLL CALL VOTE.**

**REPRESENTATIVE MERCER** stated for the record that the House recognizes that the motion did not pass.

**Motion/vote:** **REPRESENTATIVE MERCER** moved that Joint Rule 30-80 **EXHIBIT 2, page 2**, be deleted from the Rules and that the House and the Senate be allowed to determine their own rules with regard to committee minutes.

Motion **CARRIED** with **SENATOR VAN VALKENBURG** **OPPOSED**.

(BRIEF RECESS - 2:00 P.M.)

(HEARING RESUMED - 2:10 P.M.)

{Tape: 2; Side: 1; Approx. Time Count: ; Comments: .}

#### **JOINT RULE 10-130 - BILLS**

**Mr. Petesch** presented proposed Joint Rule 10-130(6) **EXHIBIT 2, page 2**, stating that an introduced bill may not be withdrawn. He added there had never been a procedure as to how it should be done although it usually occurred when a senator inadvertently introduced an appropriation bill in the Senate in violation of the rules. There is currently no procedure dealing with this issue, and this proposed language would clarify that the bill is there, but it is not withdrawn to confuse the process.

**Motion/Vote:** **SENATOR AKLESTAD** moved LC 151, Joint Rule 10-130(6) **EXHIBIT 2, page 2**. Motion **CARRIED UNANIMOUSLY**.

#### **JOINT RULE 30-60 - ESTIMATION OF REVENUE**

**Mr. Petesch** explained the proposal requiring the adoption of the revenue estimating resolution by the tenth legislative day. When the revenue resolution is adopted, it is what fiscal notes and the balanced budget are pegged to; this would carry this forward more smoothly.

**REPRESENTATIVE MERCER** claimed that this item came from the recommendation committee and because of discrepancies in the revenue estimate and the Governor's budget, he **MOVED** that the

Rules Committee discuss item 4, Joint Rule 40-40. Without objection, **SENATOR HARP** asked **Mr. Petesch** to discuss item 4.

**JOINT RULE 40-40 - BILL REQUESTS AND INTRODUCTION - LIMITS AND PROCEDURES**

**Mr. Petesch** described Joint Rule 40-40(2) **EXHIBIT 2, page 4**, where the legislator doesn't want the public to have access to the draft until ideas are firm. This would put into rule the Legislative Services Division's recommendation, stating that once the legislator draft is given to the Legislative Services Division, at that point it would become a public document. In order to get it onto the system, it would have priority every step of the way because it would be what the legislator wanted to achieve. To encourage that to be done as soon as possible, the subcommittee recommended that the legislator draft be delivered to the Legislative Services Division by the 20th legislative day or it would be cancelled.

When questioned by **SENATOR HARP** if this would be used very often, **Mr. Petesch** said it appeared that it would not; out of 910 drafts already received, he had only one legislator draft and one allowed to be converted to a staff draft with the concurrence of the Legislative Services Division.

**Motion:** **SENATOR AKLESTAD** moved to adopt Joint Rule 40-40(2).

**REPRESENTATIVE MERCER** said it should be understood if someone had a legislator draft and they wanted it converted to a regular draft, they should be allowed to do that at anytime within the 20 days. Also if a draft was turned in on the 20th day that was insufficient and did not qualify under the rule mentioned by **Mr. Petesch**, it also could be converted to a regular legislative staff draft.

**SENATOR GROSFIELD** questioned if there had been any thought given to having 25 days rather than 20 days.

**SENATOR HALLIGAN** voiced concern with holding controversial bills to the last second, stating that it was not good for the process.

**Vote:** **SENATOR AKLESTAD'S** motion **CARRIED UNANIMOUSLY.**

**Mr. Petesch** discussed Joint Rule 40-40(5), **EXHIBIT 2, page 6**. He noted that the word "statutory" should be inserted on line 1, page 6, before the word "committee". He related that any bill indicating "by request of" has to be pre-introduced or the request is cancelled. An exception to that would be an office held by an elected official during the official's first year in office.

This is intended to make agencies get their requests in early, and the pre-introduction requirement is intended to say that if they are in early, they will get done and the staff could focus after the election on legislator's bills.

**Motion:** SENATOR SWYSGOOD moved to accept Joint Rule 40-40(5).

Mr. Petesch questioned if the committee wanted this only to apply to bills that still had Legislative Council as the requestor or if it should apply to a bill by request of the Governor that was submitted previously by an individual senator.

REPRESENTATIVE MERCER indicated the rule's purpose was so that agencies and the Governor could get their bills ready to begin work on them when the legislature convened.

**Vote:** SENATOR SWYSGOOD'S motion CARRIED UNANIMOUSLY.

Mr. Petesch explained Joint Rule 40-40(7), EXHIBIT 2, page 6. He portrayed the fact that once the bill had been introduced and the signatures put on it, the name of the person signing the bill may not be removed as a sponsor.

When questioned by SENATOR HARP if this was for a live bill rather than a pre-introduced bill, Mr. Petesch said that was correct.

SENATOR VAN VALKENBURG, speaking in opposition to the subject, said while it is no easy task to get your name off the bill as a sponsor, people should have that option.

In questioning from SENATOR HARP whether a motion could be made from the floor to remove a name from the bill and have it reflected in the Journal, SENATOR AKLESTAD said it could be done on order of business number six.

CHAIRMAN HARP asked if anyone would like to make a motion on this language, Joint Rule 40-40(7), EXHIBIT 2, page 6. (NO RESPONSE)

CHAIRMAN HARP declared that since there was no motion to include this new language, it would not be included in the Joint Rule.

**JOINT RULE 40-50 - SCHEDULES FOR DRAFTING REQUESTS AND BILL INTRODUCTION**

Mr. Petesch explained Joint Rule 40-50 EXHIBIT 2, noting the extended request deadline for revenue bills would be the same as all other general bills. The request deadline would be the 10th legislative day for all bills other than appropriations, the idea being to get the requests in as early as possible. When questioned by SENATOR VAN VALKENBURG as to whose idea that was, Mr. Petesch indicated it was the joint subcommittee on legislative improvement of the Legislative Council and was endorsed by the full Legislative Council.

In questioning from SENATOR CRIPPEN, Mr. Petesch announced that the contingent voidness provision adopted last legislative session is still contained in the joint rules.

Motion/vote: SENATOR AKLESTAD moved to accept Joint Rule 40-50 EXHIBIT 2. Motion FAILED ON A ROLL CALL VOTE.

DISCUSSION ON CONTINGENT VOIDNESS ISSUE:

SENATOR HALLIGAN questioned the necessity of the contingent voidness issue.

SENATOR HARP said he wanted to make sure if revenues were changed that at the same time there would be a mechanism to handle it; they tried to tie appropriations and the revenue issues together. By doing that, there was a better ability to balance the budget and take care of issues that might arise.

Motion: SENATOR HALLIGAN moved to eliminate the contingent voidness provision in the rules, Joint Resolution 40-180(2), page 23 EXHIBIT 1

REPRESENTATIVE MERCER, speaking in opposition to the motion, reported that the contingent voidness provision allows people to propose reductions in revenue without proposing reductions in spending.

Vote: SENATOR HALLIGAN'S motion to eliminate contingent voidness FAILED ON A VOICE VOTE.

DISCUSSION ON CALENDAR OF LEGISLATIVE DAYS

REPRESENTATIVE MERCER stated that the calendar shows all Saturdays being legislative days. An exception would have an additional day off during Easter break, April 1. That would lengthen the session one day, with scheduled adjournment on Saturday, April 26.

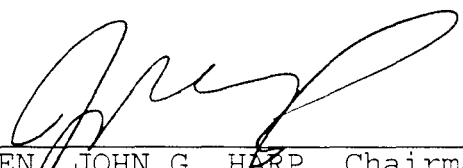

Motion/vote: SENATOR SWYSGOOD moved to adopt the new schedule. MOTION CARRIED.

Motion/vote: SENATOR AKLESTAD moved to adopt the Joint Resolution of rules, LC 151 EXHIBIT 2 as amended.

Motion CARRIED with SENATOR FRANKLIN OPPOSED.

ADJOURNMENT

Adjournment: 3:00 P.M.

  
\_\_\_\_\_  
SEN. JOHN G. HARP, Chairman  
\_\_\_\_\_  
LYNN STALEY, Secretary

JH/LS