

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON RULES

Call to Order: By SENATOR JOHN HARP, Chairman, on December 12, 1996, at 3:05 P.M., in Room 331.

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. Lorents Grosfield (R)
Sen. Mike Halligan (D)
Sen. Charles "Chuck" Swysgood (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: Senator Foster

Staff Present: Lynn Staley, Committee Secretary

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

DISCUSSION ON ETHICS COMMITTEE

SENATOR GROSFIELD remarked that the Rules Committee should draft some language regarding the Ethics Committee, noting that the Ethics Committee is a standing committee that meets on call of the Rules Committee.

SENATOR BECK voiced concern over testimony that could be presented in an ethics hearing and the involvement in ethics issues.

Motion: **SENATOR VAN VALKENBURG** moved that the Rules Committee will make recommendations to the Senate as a whole as to the procedures that would be applicable in an Ethics Committee. Also, that the Ethics Committee will not meet as a standing committee and only meet on call on referral of items from the Rules Committee.

SENATOR BECK questioned an irate Senator making a motion on the Senate floor on order of business 6, where the senator stated his displeasure for some happening in a committee. He could make a

motion for censure and for the Rules Committee to hear his case.

Vote: SENATOR VAN VALKENBURG'S motion CARRIED UNANIMOUSLY.

Motion/vote: SENATOR VAN VALKENBURG moved that the Rules Committee draft language to include in the rules that the Ethics Committee will only meet upon referral of the Rules Committee; also that the Rules Committee further adopt procedures to recommend to the Senate for the Ethics Committee to conduct their business.

SENATOR VAN VALKENBURG'S motion CARRIED UNANIMOUSLY.

(SENATE RESOLUTION 1 MARKED FOR IDENTIFICATION AS EXHIBIT 1)

SENATOR AKLESTAD discussed streamlining the process with reference to the motion to indefinitely postpone on second reading. He said the House doesn't use or need that motion. There could be a motion to reconsider action the following day. There would not be the necessity of a motion; if the bill was voted down, it would be down.

In questioning from SENATOR CRIPPEN regarding a bill failing in committee, SENATOR VAN VALKENBURG explained that there can be a do not pass motion in committee, but there is not a do not pass motion on the Senate floor.

Motion: SENATOR AKLESTAD moved that the Rules Committee eliminate the motion on second reading to indefinitely postpone a bill after it has failed.

Bob Person, Legislative Services Division, said the House has it worded as the failure of a motion carries with it by the rule the adoption of the adverse motion. He added that clearly there is a positive action which is the action that was reconsidered.

Vote: SENATOR AKLESTAD'S motion CARRIED with SENATOR FRANKLIN and SENATOR HALLIGAN OPPOSED.

SENATE RULE 50-170 - THIRD READING PROCEDURE

SENATOR AKLESTAD referred to subsection (2), Senate Rule 50-170, stating that the President currently states that "the bill having been read three several times, the question is, shall the bill pass the Senate." He proposed language stating that "the question will be shall the bill pass the Senate". The Committee of the Whole knows the bill is on third reading, that it has been read three several times. The language that would be stricken would be: "having been read three several times, the question is..."

SENATOR GROSFIELD said having the additional language on third reading gives Senate members time to get on track and know what bill is being voted on.

Motion/vote: SENATOR AKLESTAD moved to strike language in Senate Rule 50-170, striking "having been read three several times, the question is..."

SENATOR AKLESTAD'S motion FAILED ON A ROLL CALL VOTE.

DISCUSSION ON COMMITTEE MINUTES

CHAIRMAN HARP said because of the motion made by SPEAKER MERCER relative to committee minutes, the House was not going to have summary minutes. Based on the vote by the Senate, the Senate desires to continue having summary minutes.

SENATOR AKLESTAD voiced concern that except with very efficient secretaries, the minutes are not accurate.

SENATOR SWYSGOOD maintained that minutes are invaluable to committee chairs.

Motion: SENATOR GROSFIELD moved that the Senate continue putting out summary minutes of all committee meetings, including conference committee meetings.

SENATOR GROSFIELD said he was still concerned with secretaries having training on doing accurate minutes.

SENATOR VAN VALKENBURG said the issue dealt with the Secretary of the Senate having a management procedure in place to make sure that minutes are being completed in a timely fashion.



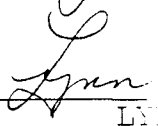

Vote: SENATOR GROSFIELD'S motion CARRIED.

Motion/vote: SENATOR SWYSGOOD moved to adopt Senate Resolution 1 as amended. EXHIBIT 1

SENATOR SWYSGOOD'S motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 3:50 P.M.

 _____ SEN. JC	 _____ G. HARP, Chairman
 _____ LY	 _____ STALEY, Secretary

JH/LS