

MINUTES OF THE MEETING
OF THE
SENATE RULES COMMITTEE

January 9, 1985

The meeting of the Senate Rules Committee was called to order by Senator Fred Van Valkenburg, Chairman, on January 9, 1985 at 1:30 p.m. in Room 331, State Capitol.

ROLL CALL: Roll was called with Senator Norman excused and all other members present.

PURPOSE OF MEETING: Senator Van Valkenburg stated that the purpose of the meeting was to clarify certain questions in the rules, and to discuss Senate Joint Resolution 3 and Senate Resolution 1.

FIRST ORDER OF BUSINESS: ADDITIONAL AIDE REQUEST

Senator Crippen stated that he'd requested name tags for two aides and had been advised that under current rules only one aide may be assigned to a senator. He further noted that both of his aides were chosen prior to the time he became minority whip, and that their salaries were not being paid by the state.

Senator Van Valkenburg noted that Representative John Vincent had been advocating bringing high school students up to work for members of the legislature as aides, and that members of the senate had expressed an interest in this. It was further noted that aides should be at least 18 years of age, thus limiting the number of high school students qualifying for a position as an aide.

Senator Van Valkenburg noted that the reason for limiting aide positions was probably due to the limited amount of space available.

Senator Crippen then noted that he has already arranged his office to provide space for both his aides and that he requires both due to the fact that since he's been off the taxation committee he needs someone to attend the meetings and take notes.

Senator Van Valkenburg then stated that additional aides could become a problem if many other senators decided to employ more than one aide. Senator Van Valkenburg sought to establish that

1. Any senator may have 2 aides if request is granted to Senator Crippen; and
2. If problems arise with space or clutter, Senate rules may

be reconsidered.

Senator Christiaens then stated that Senator Towe has in effect started the precedent of having more than one aide, during both this and the last legislative session.

Senator Stephens stated his support of Senator Crippen's request. He further noted that it would avoid disarray if aides were to be allowed on the floor during the time lobbyists are restricted from floor access. This would keep the floor from being overcrowded, while still allowing additional aides access to the floor.

MOTION: Senator Christiaens made a motion to allow Senator Crippen to have two aides and to handle further requests on an individual basis.

The question was called.

MOTION CARRIED: The motion carried unanimously.

SECOND ORDER OF BUSINESS: CHANGES IN SENATE JOINT RESOLUTION 3

Senator Van Valkenburg stated that the most significant changes in SJR 3 would be found on page 39, lines 3-7, 20-25 and page 40, lines 1-2. (SEE ATTACHED EXHIBIT A)

Senator Crippen questioned the outcome if the Senate were to vote 3-1 against taking action and the House were to vote 2-2.

Senator Van Valkenburg clarified the outcome in the hypothetical case stating that if the House committee is evenly divided, the proposed House rules would require that the conference report come out on the House floor without recommendation. In any event, no committee report will come out unless a majority of Senate members agree.

Senator Stephens recommended taking action on the issue.

MOTION: Senator Stephens made a motion to pass SJR 3.

The question was called.

MOTION CARRIED: The motion carried unanimously.

THIRD ORDER OF BUSINESS: SENATE RESOLUTION 1

Senator Van Valkenburg stated that changes in Senate Resolution 1 could be found on pages 5, lines 21-25 and page 6, lines 1-5. (SEE ATTACHED EXHIBIT B)

Senator Van Valkenburg stated that since the December 28, 1984 meeting of the Joint Rules Committee, there has been a Committee Chairmen's meeting at which voting in absentia at committee meetings was discussed. He further stated that the conclusion of the Committee Chairmen's discussion was that a rule should be inserted into the Senate rules addressing this specific policy. Senator Van Valkenburg then proposed not acting at this time

but waiting until written verbiage could be presented. He noted there have been inconsistencies in policy and practice in the past.

Senator Stephens voiced warning that a policy of voting in absentia could be dangerous, but agreed that past practice has been inconsistent in this matter. He further stated that he would be willing to let the Committee Chairmen determine the policy each committee would follow.

Senator Van Valkenburg suggested that the rules should have an addition inserted which would clearly delegate authority of voting policy to the Committee Chairmen.

Senator Van Valkenburg stated that he would draft language and discussion of committee voting practices would resume at the next meeting.

FOURTH ORDER OF BUSINESS: DISCUSSION OF REPRESENTATIVE IVERSON'S MEMO TO SENATOR VAN VALKENBURG REGARDING QUESTIONS FROM THE SELECT COMMITTEE ON WATER MARKETING

Senator Van Valkenburg opened the discussion by outlining the questions posed by Representative Iverson. (SEE ATTACHED EXHIBIT C)

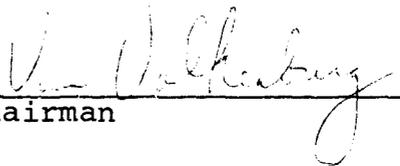
It was determined that the Joint Rules Committee will hold a meeting to discuss the matter.

FIFTH ORDER OF BUSINESS: ADJOURNMENT

Senator Christiaens made a motion to adjourn.

There being no further business, the question was called.

MOTION CARRIED: The motion carried unanimously, and the meeting was adjourned.


Chairman

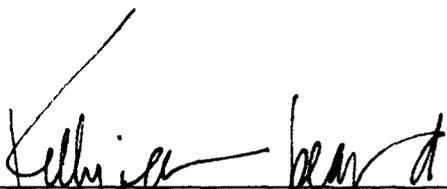

Secretary

EXHIBIT A

LC 0795/01

LC 0795/01

1 Joint Rule 7-6, the chairman of the Senate committee shall
2 be chairman of all joint committees.

3 7-8. If either house requests a conference and appoints
4 a committee for the purpose of discussing an amendment on
5 which the Senate and the House of Representatives cannot
6 agree, the other house shall appoint a committee for the
7 same purpose. The time and place of all conference
8 committee meetings shall be agreed upon by their chairman
9 and be announced from the rostrum. This announcement is in
10 order at any time. Failure to make this announcement shall
11 not affect the validity of the legislation. The conference
12 committees, having conferred, shall report to their
13 respective houses the result of their conference. A
14 conference committee shall confine itself to the disputed
15 amendment.

16 If either house requests a free conference committee
17 and the other house concurs, appointments will be made the
18 same as above. A free conference committee may discuss a
19 bill in its entirety and is not confined to a particular
20 amendment.

21 7-9. In joint committees other than conference
22 committees, members vote individually and not by houses.
23 Because conference committees are joint meetings of separate
24 committees, in conference committees the committees from
25 each house vote separately. A majority of each committee

1 must agree before any action may be taken unless otherwise
2 specified by individual house rules.

3 7-10. Conference committee reports must give clerical
4 instructions for enrolling by referring to the reference
5 bill version.

6 When a conference committee report is filed with the
7 secretary of the Senate or chief clerk of the House of
8 Representatives, the same shall be read under Order of
9 Business No. 3, select committees, and placed on the
10 calendar for consideration on second reading. If recommended
11 favorably by the Committee of the Whole, it may be
12 considered on third reading the same legislative day. On
13 the final legislative day a conference committee report
14 shall be placed on the calendar for immediate consideration
15 on second reading and shall be further considered on third
16 reading the same legislative day. If a conference committee
17 report is adopted on third reading and the bill is of a type
18 requiring more than a majority vote for passage, the bill
19 shall again be placed on third reading in each house. This
20 third reading vote must be used to determine if the required
21 number of votes has been cast.

22 7-11. Accredited press representatives may not be
23 excluded from any public legislative meeting or hearing and
24 may not be prohibited from taking photographs, televising,
25 or recording the committee or house hearings, subject to the

EXHIBIT B

LC 0796/01

LC 0796/01

1 and make recommendations to the Committee on Finance and
 2 Claims concerning issues assigned to it by the President.
 3 Select committee members may participate and vote as members
 4 of the Committee on Finance and Claims on issues considered
 5 by them as members of the select committee.

CHAPTER 8

Rules and Journal

8 S8-1. (1) A motion to amend or adopt a rule of the
 9 senate shall be referred to the committee on rules without
 10 debate. A rule of the senate may be amended or adopted only
 11 with the concurrence of a majority of the senate and after
 12 one day's notice.

13 (2) A rule may be suspended temporarily by a
 14 two-thirds vote.
 15 S8-2. Mason's Manual of Legislative Procedure governs
 16 the proceedings of the senate in all cases not covered by
 17 these rules.

CHAPTER 10

Nominations from the Governor

20 S10-1. The governor shall nominate and, by and with
 21 the consent of the senate, appoint all officers whose
 22 offices are established by the constitution or which may be
 23 created by law, and whose appointment or election is not
 24 otherwise provided for. If during a recess of the senate a
 25 vacancy occurs in any such office, the governor shall

8. Labor and Employment Relations
 9. Legislative Administration
 10. Local Government
 11. Natural Resources
 12. Fish and Game
 13. Public Health, Welfare and Safety
 14. Rules
 15. State Administration
 16. Taxation

S7-2. The majority floor leader shall be an ex officio
 member of all committees in order to establish a quorum.

S7-3. When a conference committee report is filed with
 the secretary, the same shall be read under order of
 business No. 3, select committees, and placed on the
 calendar the succeeding legislative day for consideration on
 second reading. If recommended favorably by the committee
 of the whole, it may be considered on third reading the same
 legislative day.

S7-4. Pairs in standing committee and committee of the
 whole are prohibited.

S7-5. There is a select committee on long-range
 building. The select committee shall meet jointly with the
 Long-Range Building Subcommittee of the House Committee on
 Appropriations to make recommendations on issues assigned to
 the joint subcommittee. The select committee shall consider



STATE OF MONTANA
ENVIRONMENTAL QUALITY COUNCIL

EXHIBIT C

STATE CAPITOL
HELENA, MONTANA 59620
(406) 444-3742

Deborah B. Schmidt, Executive Director

GOV. TED SCHWINDEN

Designated Representative:
John F. North

HOUSE MEMBERS

Dennis Iverson, Chairman
Dave Brown
Hal Harper
Earl C. Lory

SENATE MEMBERS

Mike Halligan, Vice Chairman
Dorothy Eck
James Shaw
Larry Tveit

PUBLIC MEMBERS

Tad Dale
Warren Harding
W. Leslie Pengelly
Frank S. Stock

January 7, 1985

TO: Senator Fred Van Valkenburg, Chairman
Joint Rules Committee

FROM: Representative Dennis Iverson, Chairman
Environmental Quality Council

A handwritten signature in dark ink, appearing to be "D Iverson", written over the name of the sender.

RE: The Select Committee on Water Marketing

House Bill 908 established the Select Committee on Water Marketing which has nearly completed the study of water policy assigned to it by the 1983 Legislature. The Select Committee elected Jean Turnage as Chairman and John Shontz as Vice Chairman. As of January 7, 1985 neither of those committee members is a legislator.

Under procedures established by the Select Committee and the Legislative Council the Chairman of the Select Committee approves all requests for payment of any expenses incurred by the Select Committee. Certain expenses of the Select Committee are outstanding and need a signature to be paid. In addition, the Select Committee may need to meet again prior to its termination July 1, 1985, as provided in HB 908.

I would very much appreciate it if the Joint Rules Committee would give the remaining members of the Select Committee guidance on the membership and chairmanship of the Select Committee now that three of its members are no longer legislators. Should the Select Committee elect a new Chairman and who should be responsible for approval of outstanding Select Committee expenses?

Thank you for your consideration in this matter.

DI:ee