

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON RULES

Call to Order: Chairman Jeff Essmann, on December 6, 2010 at 10:30 A.M., in Room 317 Capitol.

ROLL CALL

Members Present:

Sen. Jeff Essmann, Chairman (R)
Sen. Alan Olson, Vice Chair (R)
Sen. Jim Peterson (R)
Sen. Bruce Tutvedt (R)
Sen. Joe Balyeat (R)
Sen. John Brenden (R)
Sen. Steve Gallus (D)
Sen. Bob Hawks (D)
Sen. Dave Lewis (R)
Sen. Rick Ripley (R)
Sen. Jim Shockley (R)
Sen. Carol Williams (D)

Members Excused:

Sen. Anders Blewett (D)
Sen. Taylor Brown (R)
Sen. Kim Gillen (D)
Sen. Larry Jent (D)
Sen. Jim Keane (D)
Sen. Chas Vincent (R)
Sen. Dave Wanzenried (D)

Members Absent: None.

Staff Present:

Susan Byorth Fox, Executive Director, Legislative Branch
Helen Thigpen, Attorney, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary: LC9002 and Proposed Changes

Discussion:

00:01:23 Chairman Essmann
00:01:37 Susan Byorth Fox
00:02:04 Chairman Essmann

00:02:13 **Motion:** Sen. Olson moved to accept LC9002 without any of the changes as have been proposed by Legislative Counsel.

EXHIBIT(rus00b01)

Discussion:

00:02:33 Susan Byorth Fox
00:03:57 Chairman Essmann

00:04:10 **Motion:** Sen. Olson moved to adopt the amendment to LC9002, Rule S30-10, page 12 lines 11-15.

EXHIBIT(rus00b02)

Discussion:

00:04:29 Sen. Peterson
00:04:45 Sen. Balyeat

00:07:05 **Substitute Motion/Vote:** Sen. Gallus moved to table the amendment. The substitute motion carried unanimously by voice vote.

Discussion:

00:07:57 Susan Byorth Fox

00:09:02 **Motion:** Sen. Olson moved to amend LC9002 by removing the words "and transcribe" from page 6 line 13.

Discussion:

00:09:26 Sen. Shockley
00:09:37 Susan Byorth Fox
00:10:22 Sen. Shockley
00:10:30 Marilyn Miller, Secretary of the Senate
00:11:43 Chairman Essmann
00:11:56 Susan Byorth Fox
00:12:10 Sen. Tutvedt
00:12:50 Sen. Gallus

00:13:35 **Substitute Motion:** Sen. Shockley moved to insert the text "and prepare minutes" in place of "and transcribe minutes" on page 6 line 13.

Discussion:

00:14:25 Sen. Olson

00:14:40 **Vote:** Substitute motion carried unanimously by voice vote.

Discussion:

00:15:07 Susan Byorth Fox

00:16:01 Sen. Balyeat

00:16:35 Susan Byorth Fox

00:16:58 **Motion:** Sen. Olson moved to insert the word "nonvoting" on page 14 line 7.

Discussion:

00:17:58 Chairman Essmann

00:18:11 Sen. Balyeat

00:19:04 Sen. Peterson

00:20:22 **Vote:** Motion carried unanimously by voice vote.

Discussion:

00:20:36 Susan Byorth Fox page 14, line 26, pg 17, lin 3 19 line 20.

00:20:55 **Motion/Vote:** Sen. Olson moved to accept the proposed changes to line 26, page 14, line 3, page 17; and line 20 on page 19. Motion passed unanimously by those present and voting.

Discussion:

00:21:16 Susan Byorth Fox

00:22:14 **Motion:** Sen. Olson moved to insert the text "prior to the transmittal deadlines provided for in JR40-200 that are applicable to each bill or resolution." to page 24 lines 19-20.

Discussion:

00:22:24 Sen. Williams

00:23:52 Sen. Balyeat

00:24:45 Susan Byorth Fox

00:25:03 Sen. Gallus

00:25:33 Sen. Shockley

00:26:11 Sen. Balyeat

00:26:45 Chairman Essmann

00:26:54 Sen. Balyeat

00:27:24 Sen. Olson

00:27:46 Sen. Shockley

00:28:14 **Vote**: The motion failed unanimously by voice vote of those present and voting.

Discussion:

00:28:48 Susan Byorth Fox
00:29:32 Chairman Essmann

00:29:49 **Motion/Vote**: Sen. Olson moved to adopt changes as proposed on page 26, lines 20-22 and 24-25, and page 27, line 9. Motion carried unanimously by voice vote.

Discussion:

00:30:26 Susan Byorth Fox

00:30:53 **Motion**: Sen. Olson moved to insert the text "change a vote" in place of "divide a question" on page 27, line 24.

Discussion:

00:31:07 Sen. Balyeat
00:31:52 Susan Byorth Fox
00:32:19 Sen. Balyeat
00:32:34 Susan Byorth Fox
00:32:52 Sen. Gallus

00:33:11 **Vote**: Motion carried unanimously by voice vote.

Discussion:

00:33:47 Susan Byorth Fox
00:34:30 Chairman Essmann

00:34:57 **Motion/Vote**: Sen. Olson moved to add the text "The motion for the previous question is non debatable as provided in S50-60 (7)." to page 28 lines 16-18, and to add the text "regardless of whether debate on the main motion has occurred." to page 28 lines 24-25. Motion carried unanimously by voice vote.

Discussion:

00:35:31 Susan Byorth Fox

00:36:55 **Motion**: Sen. Olson moved to strike the word "any" on page 29 line 2 and insert the text "Subject to subsection (6), any" on page 29 line 3, and to insert the text "However, an inquiry may be made concerning the purpose of the motion to reconsider." on page 29, lines 8-9, and to strike the text "A motion to reconsider may not be withdrawn after the next legislative day without the unanimous consent of the Senate, and thereafter any Senator may call it up for consideration." on page 29, lines 10-12.

Discussion:

00:37:20 Sen. Brenden

00:37:37 Sen. Peterson

00:37:44 **Vote:** Motion carried unanimously by voice vote of those present and voting.

Discussion:

00:38:03 Susan Byorth Fox

00:38:36 **Motion/Vote:** Sen. Olson moved to insert the text "segregation excluded" on page 30 line 6, and to insert the text "A vote is not required on a request to divide a question, but the chair may rule that a question is not divisible. The ruling of the chair may be appealed as provided in S20-10 and S20-20. For an appeal of a ruling of the presiding officer, the question for the Senate must be stated as, 'Shall the ruling of the chair be upheld'. A motion to segregate pursuant to S50-140 (4) is not a request to divide a question." on page 30, lines 9-16. Motion carried unanimously by voice vote.

Discussion:

00:39:07 Susan Byorth Fox

00:39:41 **Motion:** Sen. Olson moved to adopt proposed changes to S50-110, 120, 130, 140, and 150 .

Discussion:

00:40:12 Susan Byorth Fox

00:41:01 Sen. Gallus

00:42:03 Sen. Peterson

00:42:27 **Vote:** Motion carried unanimously by voice vote of those present and voting.

Discussion:

00:42:51 Susan Byorth Fox

00:43:25 **Motion:** Sen. Olson moved to adopt proposed changes to S50-160 on pages 33-34.

Discussion:

00:43:43 Sen. Balyeat

00:43:59 Susan Byorth Fox

00:44:29 **Vote:** Motion carried unanimously by voice vote of those present and voting.

Discussion:

00:44:45 Susan Byorth Fox

00:45:25 **Motion/Vote:** Sen. Olson moved to accept the changes recommended for sections 51-70; 51-80;51-90;52-100; 52-210; and 60-10. Motion carried unanimously by voice vote of those present and voting.

Discussion:

00:46:15 Susan Byorth Fox

00:47:02 Sen. Shockley

00:47:21 **Motion/Vote:** Sen. Olson moved to accept the changes recommended to Rule 70-30 pages 40-41. Motion carried unanimously by voice vote by those present and voting.

00:47:56 **Motion/Vote:** Sen. Olson moved to accept the draft bill as amended, and request a formal bill be drafted. The motion passed unanimously by voice vote of those present and voting.

Committee Business:

00:48:32 Sen. Williams

00:49:20 Chairman Essmann

00:49:46 Susan Byorth Fox

ADJOURNMENT

Adjournment: 12:15 P.M.

Debra L. Polhemus, Secretary

Additional Documents:

EXHIBIT([rus00bad.pdf](#))