



Legislative Council

63rd Montana Legislature

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RULES SUBCOMMITTEE MINUTES LOG

June 10, 2014
Room 102, Capitol Building
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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COMMITTEE MEMBERS PRESENT

SEN. JEFF ESSMANN, Chair
REP. CHUCK HUNTER, Vice Chair

SEN. CLIFF LARSEN
REP. MARK BLASDEL

STAFF PRESENT

SUSAN BYORTH FOX, Executive Director
TODD EVERTS, Legal Director
FONG HOM, Committee Secretary

CALL TO ORDER AND ROLL CALL

04:11:02 Sen. Essmann called the meeting to order at 12:17 p.m. Rep. Hunter, Sen. Barrett, Rep. Blasdel, Sen. Larsen, and Sen. Essmann were present.

Sen. Essmann said that this is an organizational meeting. He opened the floor for suggestions on topics to discuss.

Simple resolutions

04:11:55 Ms. Fox discussed the issue of committee chairs putting appointees to committees individually on simple resolutions that resulted in a proliferation of resolutions. Senate Secretary Marilyn Miller found that method to be cumbersome and would like to return to the process of appointee to the process used in past sessions in order to eliminate the proliferation and confusion of simple resolutions. Ms. Fox said that she could get Ms. Miller's suggestions to the Rules Committee for consideration.

04:13:01 Sen. Essmann said that it would be best if the committee got a specific concept or process and draft that on paper for the committee to review.

04:15:44 Mr. Everts said that this is basically the start of Senate Resolution 1, or House Resolution 1, or a joint resolution. We can start putting these concepts for you to look at how it is worded, how it would fit within the rules, and then you can make decisions as we proceed.

Use of electronic devices during committee hearings and floor session

04:16:52 Sen. Essmann suggested that Mr. Everts draft changes that conforms with the action that the Legislative Council took at yesterday's meeting.

Co-sponsors of bills, limited debate on blast, and timing of cloture

04:17:07 Rep. Hunter discussed changing the process regarding co-sponsors on bills and the issues of limited debate on blast and the timing of cloture.

04:17:58 Rep. Blasdel asked Rep. Hunter, on the cloture, if he was talking about counting the five minutes for opening, five minutes for closing, and whether the 30 minutes encapsulates that, or the 30 minutes encapsulates just the discussion on the floor.

Access to House chambers by House members

04:19:03 Sen. Essmann asked if the committee wanted to have a discussion regarding access to the chambers for House members not having a place of refuge in term of expanding the 30-minute rule.

Is it a statutory or a constitutional requirement that all budget and revenue bills begin in House

04:19:55 Sen. Essmann said that one of the things they discovered during the review of how other legislatures do things is a concept that there is neither a statutory nor a constitutional requirement that all budget and revenue bills, or all appropriation bills, begin in the House. He asked if the committee wanted to put that on the

agenda for discussion.

- 04:20:24 Rep. Hunter said that he believes in that time-honored tradition, so while we may want to discuss it, he is already in a "no" frame of mind.
- 04:20:30 Sen. Essmann said that in the interest of efficiency, we'll take that off the list.
- 04:21:02 Sen. Essmann said that the recommendation that the Council adopted in its meeting will not necessitate any rule changes in legislative date or deadlines.

Further discussion on use of electronic devises

- 04:22:02 Sen. Essmann asked if the committee wanted to further discuss the use of electronic devises in committee hearings and on the floor, access to the floor, or reserve that for the September meeting.
- 04:23:50 Rep. Blasdel said that there is a lot of agreement as far as what limitations we can put on committee hearings and whether or not they should be allowed to have electronic devices at that point in time. There are a number of legislators that do take notes on their computers, read the bills on their computers which has, in some cases, been blatantly abused. He has had some comments from his constituents regarding that. He said that the committee chairman would appreciate some kind of a rule or something so that it's not so open to their interpretation on how they want to address that.
- 04:25:26 Rep. Hunter said that the thing he is most concerned about is people having their computers open. The primary job is to be respectful of those people who are testifying. He has heartburn on people either in the committee room or in some other room texting or somehow communicating with individuals on the committee. That communication is covert and doesn't give everybody in the room the opportunity to really understand who's having a conversation with whom. He would suggest putting in rule or in policy that it is unethical to be having communication with others about the hearing through electronic media during hearing time.
- 04:27:21 Sen. Essmann suggested that Mr. Everts draft a rule that during committee hearings, electronic devices could be used for reference and research, but should be avoided in terms of use for communication either out of the committee room or in the committee room. With respect to when the committee is called into executive action, the general rule would be that electronic devices would not be used.
- 04:31:06 Rep. Hunter said that he doesn't have a concern about people using their computers or devices that they have in front of them to track bills on the screen and he doesn't have an issue with people looking up information and reference materials. He does have a concern when social media people are on the floor during executive sessions when we are voting on bills. Those running commentaries about what's transpiring on the floor is a link to their social network or a link to the press. To him that takes away the focus on what are we doing on the floor. Our purpose is to vote on bills and pay attention to the

motions.

- 04:32:47 Sen. Essmann said that he believes that incoming communication to the floor during 2nd or 3rd reading is a violate of the constitution because it gives certain people extra access to a legislator or a group of legislators in addition to the rest of the public and he feels that that is inappropriate. He would be supportive of a rule that prohibits receipt of electronic communication during 2nd and 3rd reading in order to implement our duty to provide equal access to the public. Rep. Hunter raised a more serious issue, which is, are we here to work or are we here to entertain?
- 04:36:35 Mr. Everts said that the President raised an issue which is access and whether that access is part of the public record and does it comport with the public involvement requirements.
- 04:40:24 Sen. Essmann asked if Ms. Fox could write an article for the next issue of the Interim Newsletter to inform the legislators the direction that they are heading with respect to the use of electronic communications devices during committee actions and that they are looking at the same issue with respect to the floor. We would like to hear from them, pros and cons, in terms of what they feel. He would like Mr. Everts to weigh in about constitutional issues that are raised with equal access and why that is before us.
- 04:41:56 Sen. Essmann said that it was the consensus of the committee to have a discussion regarding floor access privileges at the September meeting. He also said that if there are any rules or ideas that the members would like on the agenda September, to communicate them to either he or Rep. Hunter.

ADJOURNMENT

- 04:42:13 Sen. Essmann adjourned the meeting at 12:48 p.m.

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