



Legislative Council

64th Montana Legislature

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SUSAN FOX, Executive Director
TODD EVERTS, Legal Division Director
FONG HOM, Secretary

RULES SUBCOMMITTEE

MINUTES LOG

Conference Call

October 25, 2016

Room 335, Capitol Building

Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The 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 (by phone)

REP. BRYCE BENNETT, Chair

SEN. EDWARD BUTTREY
SEN. TOM FACEY

REP. STEPHANIE HESS

STAFF PRESENT

TODD EVERTS, Legal Director
FONG HOM, Committee Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

00:00:19 Rep. Bennett called the meeting to order at 9:02 a.m. The secretary called roll.

REVIEW AND MAKE DECISIONS ON PROPOSED RULE CHANGES

00:01:44 Todd Everts, Legal Director, gave a presentation on the proposed rule changes.
(Exhibit 1)

00:02:27 **Proposal 2** - Add H70-60 language in the Senate Rules regarding Joint Rules being superceded.

00:03:18 Sen. Buttrey said that if a House and Senate rule addresses an issue, would that also be addressed in the Joint Rules? Mr. Everts said with respect to a rule that regards the internal proceedings of that house.

Motion/Vote

00:03:50 Rep. Bennett moved to adopt the changes in Proposal 2. The motion passed unanimously by voice vote.

00:04:13 **Proposal 3** - Revert the revenue bill transmittal date back to the 2013 Legislative rules date of the 71st Legislative Day.

Motion/Vote

00:04:37 Rep. Bennett moved to adopt the changes in Proposal 3. The motion passed unanimously by voice vote.

00:04:48 **Proposal 5** - Change JR 40-65 to add language that says, a senator may introduce a bill that includes a request for an interim study in the Senate without an appropriation, but the bill may not be transmitted to the governor unless the bill contains an appropriation added in the House that is sufficient to conduct the study.

00:05:34 Sen. Buttrey asked if that means that a bill that would be introduced in the Senate would have to have some sort of contingency clause. Mr. Everts said it could have that contingency clause but also if the bill didn't have an appropriation coming out of the House, this issue could go to the Rules Committee in terms of enforcement of this new language.

00:06:25 Sen. Buttrey asked if this change should include a note saying that there needs to be a contingency section on the bill that would void the bill if an appropriation wasn't added.

Motion

00:06:46 Sen. Buttrey moved to add a section to Proposal 5 saying that bills asking for a study from the Senate would need to have a contingency voidness clause if it is related to an appropriation.

00:07:25 Sen. Facey said that would give some clarity to the bill drafters so that the bill drafters definitely know what the right procedure would be.

Vote

00:07:30 The motion passed unanimously by voice vote.

Motion/Vote on Amended Proposal 5

00:07:47 Rep. Bennett moved to adopt the changes in the amended Proposal 5. The motion passed unanimously by voice vote.

00:09:26 **Proposal 6** - Streamline the confirmation process to conform with the standard second reading process of Senate resolutions.

00:09:36 Sen. Facey asked Ms. Miller if the proposed changes incorporated the ideas that she proposed.

00:09:47 Ms. Miller said that it was a bad process that the Senate tried to fix last session and in some ways the process was made more difficult. This will clarify it and everybody will be on the same page.

00:10:24 Sen. Buttrey said that he would be interested in knowing why it didn't pass the last time around but thought that the changes in the proposal are good, that the committee still has the purview to do the research on the nominees and to make recommendations to the body.

Motion/Vote

00:11:31 Rep. Bennett moved to adopt the changes in Proposal 6. The motion passed unanimously by voice vote.

00:11:48 **Proposal 7** - Revise the Senate rereferral of bills to conform with the House rereferral process.

00:13:12 Sen. Buttrey said that it is important to note that if there is an amendment or some change, it would come back for second reading. This would only occur if there were no changes to the bill.

Motion/Vote

00:13:31 Rep. Bennett moved to adopt the changes in Proposal 7. The motion passed unanimously by voice vote.

00:14:25 **Proposal 8** - Most of the discussion was regarding changing the Legislative Council Guidelines to universally allow proxies and recommend that the subcommittees make recommendation to Legislative Council. To request a bill to

statutorily require that interim committees be allowed proxies.

00:15:23 Sen. Facey asked to include commissions that are primarily made up of members of the Legislature. Rep. Hess said that if this rule is to be discussed at the next full Council meeting, it might be more appropriate to discuss it at the Council meeting. Sen. Facey agreed.

00:17:14 **Proposal 11** - Revision of the 2015 House blast motion.

00:17:54 Rep. Hess asked if this is about the silver bullet language from the 2015 Session. Rep. Bennett said that the silver bullet would be eliminated and the new rule would just be that the blast motion requires a majority vote as opposed to a super majority vote, which the Senate does. Rep. Hess said that it was not a good idea to change the blast motion from a super majority to a simple majority.

Motion/Vote

00:19:04 Rep. Bennett moved to adopt changes in Proposal 11. The motion passed 3-1 with Rep. Hess voting no.

00:19:24 **Proposal 12** - Change the super majority votes in H40-90, H40-100, and the House Appendix to simple majority votes and make changes in H50-160 to reflect the listing of super majority votes.

Motion/Vote

00:20:09 Rep. Bennett moved to adopt Proposal 12. The motion passed 3-1, with Rep. Hess voting no.

00:20:40 Mr. Everts said that Rep. Bennett had asked a question about the rereferral simple majority process. Rep. Bennett discussed rereferring bills to committee.

00:21:22 Sen. Facey moved to add rereferrals to the list of motions that would only require a majority of the members of the House.

00:22:00 Mr. Everts referred the subcommittee to page 24 in H40-80, line 16, that's currently the super majority vote that is required for rereferral of House bills that Sen. Facey is talking about changing to a simple majority.

00:22:40 Sen. Facey said that his motion would make all motions that involve a super majority to bring that down to a simple majority for rereferral.

00:22:58 Sen. Buttrey said that this would also affect page 43, lines 12 and 13, and for that same motion, that would have to change as well.

Vote

00:24:17 The motion passed 3-1, with Rep. Hess voting no.

00:25:08 Mr. Everts noted that on page 26 of the House rules, line 9, the super majority vote to reject an adverse committee report was changed under Proposal 12 from

3/5th to a majority.

00:26:15 **Proposal 14** - Define questions of order and privilege and parliamentary inquires, and include an additional statement on the process that a point of order may follow a parliamentary inquiry or decision.

Motion/Vote

00:26:56 Rep. Bennett moved to adopt the changes in Proposal 14. The motion passed unanimously by voice vote.

00:27:17 **Proposal 16** - Change the rules to list health insurance bills with Business and Labor committee and remove them from the Human Services Committee.

Motion/Vote

00:27:44 Rep. Bennett moved to adopt the changes in Proposal 16. The motion passed unanimously by voice vote.

00:27:58 **Proposal 17** - Committee appointments should be made based on the overall proportion of the total House membership.

Motion/Vote

00:28:31 Rep. Bennett moved to adopt changes in Proposal 17. The motion passed unanimously by voice vote.

00:28:47 **Proposal 18** - Insert language in the Senate and House rules that legislation that raises revenue to the state that has passed out of the Senate and House Taxation committees may not be rereferred to the Senate Finance and Claims committee or the House Appropriations committee.

Motion/Vote

00:29:41 Rep. Bennett moved to adopt changes in Proposal 18. The motion passed unanimously by voice vote.

PUBLIC COMMENT on any matter not contained on this agenda - none.

00:30:38 Rep. Bennett asked if, at this point, a global motion is needed to offer this up to the Legislative Council. Mr. Everts said that the Subcommittee has done its work. Rep. Bennett thanked the subcommittee and staff.

ADJOURNMENT

00:31:15 Rep. Bennett adjourned the meeting at 9:32 a.m.

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