



CONFERENCE COMMITTEE

on House amendments to Senate Bill 81

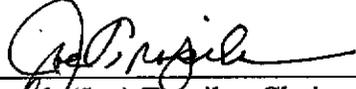
Report No. 1, April 8, 2005

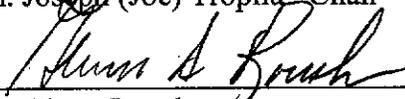
Page 1 of 1

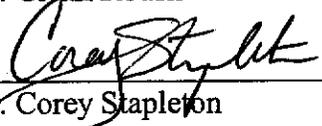
Mr. President and Mr. Speaker:

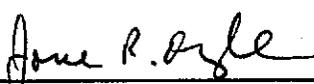
We, your Conference Committee met and considered House amendments to **Senate Bill 81** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

For the Senate:


Sen. Joseph (Joe) Tropila, Chair


Sen. Glenn Roush

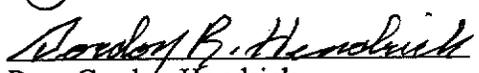

Sen. Corey Stapleton

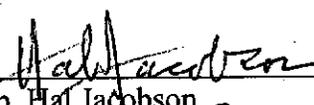

Amendment Coordinator

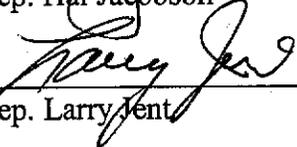
Secretary of the Senate

For the House:


Rep. Dee Brown


Rep. Gordon Hendrick


Rep. Hal Jacobson


Rep. Larry Lent

And, recommend that **Senate Bill 81** (reference copy -- salmon) be amended as follows:

1. Page 1, line 14.

Strike: "20"

Insert: "14"

- END -

ADOPT

Amendment # SB 81-1

REJECT



HOUSE COMMITTEE OF THE WHOLE AMENDMENT

Senate Bill 81
Representative Dee Brown

March 29, 2005 10:21 am
Page 1 of 1

Mr. Chairman:

I move to amend Senate Bill 81 (second house second reading copy -- tan).

Signed:


Representative Dee Brown

And, that such amendments to Senate Bill 81 (second house second reading copy -- tan) read as follows:

1. Page 1, line 14.

Strike: "10"

Insert: "20"

- END -

ADOPT

66-34

Amendment # SB 81-1

REJECT

661021CW.hkh



Montana Legislative Services Division

Legal Services Office

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
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March 11, 2005

Senator Robert Story
133 Valley Creek Road
Park City, Montana 59063

Dear Senator Story:

I am writing in response to your request for an analysis of the procedure to be used during this session for conference committees. Joint Rule 30-30 provides for conference committees. It provides that if either house requests a conference and appoints a committee for the purpose of discussing an amendment on which the two houses cannot agree, the other house shall appoint a committee for the same purpose. The time and place of all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in order at any time. Failure to make this announcement does not affect the validity of the legislation being considered. A conference committee meeting must be conducted as an open meeting, and minutes of the meeting must be kept. A conference committee, having conferred, shall report to the respective houses the result of its conference. A conference committee shall confine itself to consideration of the disputed amendment. The committee may recommend the acceptance or rejection of each disputed amendment in its entirety or further amendment of the disputed amendment. If either house requests a free conference committee and the other house concurs, appointments must be made in the same manner as for a conference committee. A free conference committee may discuss a bill in its entirety and is not confined to a particular amendment. This rule does not specifically require that a conference committee meet and attempt to resolve the differences concerning the disputed amendments prior to appointing a free conference committee. However, section 773 of Mason's Manual of Legislative Procedure (2000) provides that this is the normal procedure.

Senate Rule S30-10(3) provides that the President of the Senate appoints conference committees with the advice of the floor leaders. House Rule H40-220(4) provides that conference committees must be composed of an equal number of members from each political party. The members of conference committees must be appointed by the House Democratic Leader and the House Republican Leader after good faith consultation. Each leader shall appoint the members of the leader's respective party.

Senate Rule S50-210(3) provides that if the Senate rejects the House amendments to Senate legislation, the Senate may request the House to recede from its amendments or may direct appointment of a conference committee and request the House to appoint a like committee. Senate Rule S50-110 provides that when a conference committee report is filed with the Secretary of the Senate, the report must 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. If both the Senate and the House of Representatives



MONTANA STATE SENATE

adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the Senate, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained. If the Senate rejects a conference committee report, the committee continues to exist unless dissolved by the President or by motion. The committee may file a subsequent report. A Senate conference committee may confer regarding matters assigned to it with any House conference committee with like jurisdiction and submit recommendations for consideration of the Senate.

The House of Representatives has virtually identical rules governing the purpose and reporting by conference committees. House Rule H40-220(3) provides that if the House rejects the Senate amendments to House legislation, the House may request the Senate to recede from its amendments or may direct appointment of a conference committee and request the Senate to appoint a like committee. House Rule H40-230 provides that when a House conference committee files a report, the report must be announced under Order of Business No. 3. The House may debate and adopt or reject the conference committee report on second reading on any legislative day. The House may reconsider its action in rejecting a conference committee report under rules for reconsideration, contained in H50-160. If both the House and the Senate adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the House, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained. If the House rejects a conference committee report, the committee continues to exist unless dissolved by the Speaker or by motion. The committee may file a subsequent report. A House conference committee may confer regarding matters assigned to it with any Senate conference committee with like jurisdiction and submit recommendations for consideration of the House.

Joint Rule 30-20 provides that because conference committees are joint meetings of separate committees, in those committees the committees from each house vote separately. A majority of each committee is required to agree before any action may be taken, unless otherwise specified by individual house rules. The Senate does not have an individual rule. However, House Rule H40-230(1) provides that a tie vote in a conference committee on the question of a recommendation to the whole House on a matter referred for a conference results in the matter passing out to the whole House for consideration without recommendation. Joint Rule 30-40 provides that a conference committee report must give clerical instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

Sincerely,

A handwritten signature in cursive script that reads "Gregory J. Petesch".

Gregory J. Petesch

TO: SENATOR Tropilla
FROM: KATHY FABIANO
ASSISTANT SECRETARY TO THE SENATE
RE: CONFERENCE COMMITTEE

Your secretary for the conference committee on SB 81 will be Reg. Helwick (x4783). Your staffer for the conference committee is Sheri Hefflinger.

Once you have decided when the committee will meet, please contact the secretary and she will find a room for you. Please try to talk to the secretary before you announce the meeting under order of business #12. I will provide the secretary with a packet containing everything you will need for the committee meeting, including copies of the reference bill and amendments and a copy of the third reading votes in both houses. Meetings must be posted with the Secretary of the Senate's office as usual. Your secretary will notice all committee members and the staffer.

Each house votes separately and a majority of each house is needed to report the bill out of conference committee. If the committee can't reach agreement you may meet again and reconsider your action, dissolve and appoint new members, or dissolve and become a free conference committee.

Please call me at 4840 or stop by my office in room 302 if you have any questions.

Cc: Conference Committee Secretary

SHORT TITLE: Revised National Guard Civic
Relief Act

SPONSOR: Senator Stapleton

ORDER OF BUSINESS NO. 6
CONFERENCE COMMITTEE APPOINTMENTS

SENATOR Ellison: MR. PRESIDENT, I MOVE THE
APPOINTMENT OF A ~~(FREE)~~ CONFERENCE COMMITTEE ON
SB 81 AND REQUEST THE HOUSE TO APPOINT A
LIKE COMMITTEE.

President Tester: The President Appoints:

House Appoints:

SEN. Trop. HA, CHAIR

REP. Brown, VICE CHAIR

SEN. Rousch

REP. Jort

SEN. Stapleton

REP. Henneman

Robson

TO THE ~~(FREE)~~ CONFERENCE COMMITTEE ON (H) (S) BILL NO. 81

Unofficial vote tally as initially recorded. For official copy, see the journal.

Bill: SB 81 Date: 4/1/2005 Time: 1:19:31 PM
Vote Sequence Number: 006
Motion: 3RD READING D/CONCUR

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dow Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Gol Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sa Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschie Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: Koopman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

10- SB - Accede to Senate request to appoint a conference committee:

Date: April 07, 2005
To: Bill Lombardi, Secretary of the Senate
From: Marilyn Miller, Chief Clerk of the House

I am directed by the House of Representatives to inform the Senate that the House of Representatives this day, acceded to the request of the Senate and has authorized the Speaker to appoint a conference committee to meet with a like committee from the Senate on House amendments to Senate bill 81. The Speaker appointed the following members:

Reps. D. Brown, Hendrick, Jent & Jacobson appointed

SB 81 Stapleton, Corey (H) Conference Committee Appointed
Revise National Guard Civil Relief Act
Senate members: President Appoints Senators Tropita, Roush, and Stapleton to Committee

1 SENATE BILL NO. 81

2 INTRODUCED BY STAPLETON

3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING THE NUMBER OF DAYS THAT A MEMBER OF THE
6 MONTANA NATIONAL GUARD MUST BE ON STATE ACTIVE DUTY BEFORE BEING ELIGIBLE FOR RELIEF
7 UNDER THE MONTANA NATIONAL GUARD CIVIL RELIEF ACT; AMENDING SECTION 10-1-902, MCA; AND
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 10-1-902, MCA, is amended to read:13 **"10-1-902. Definitions.** As used in this part, the following definitions apply:

14 (1) "Active duty" means at least ~~30~~ 10 20 consecutive days of full-time state active duty ordered by the
15 governor pursuant to Article VI, section 13, of the Montana constitution or of full-time national guard duty, as
16 defined in 32 U.S.C. 101.

17 (2) "Dependent" means the spouse or minor child of a service member or any other person legally
18 dependent on the service member for support.

19 (3) "Military service" means active duty with a Montana army or air national guard military unit.

20 (4) "Service member" means any member of the Montana army or air national guard serving on active
21 duty."
22

23 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

24 - END -

SEQ NO. 97
REVISION 0

JAN 18 2005
2:09 PM

MONTANA SENATE
59th LEGISLATURE
2005 REGULAR SESSION

~~SB 81~~
STAPLETON
THIRD READING
~~3RD RDG~~ - DO PASS

PRESIDING: TESTER

50 YEAS 0 NAYS 0 NOT VOTING 0 EXCUSED 0 PAIRED

Y	BALES	Y	LASLOVICH
Y	BALYEAT	Y	LEWIS
Y	BARKUS	Y	LIND
Y	BLACK	Y	MANGAN
Y	BRUEGGEMAN	Y	MC GEE
Y	COBB	Y	MOSS
Y	COCCHIARELLA	Y	ONEIL
Y	COONEY	Y	PEASE
Y	CROMLEY	Y	PERRY
Y	CURTISS	Y	ROUSH
Y	ELLINGSON	Y	RYAN
Y	ELLIOTT	Y	SCHMIDT
Y	ESP	Y	SHOCKLEY
Y	ESSMANN	Y	SMITH
Y	GALLUS	Y	SQUIRES
Y	GEBHARDT	Y	STAPLETON
Y	GILLAN	Y	STEINBEISSER
Y	GRIMES	Y	STORY
Y	HANSEN	Y	TASH
Y	HARRINGTON	Y	TOOLE
Y	HAWKS	Y	TROPILA
Y	KEENAN	Y	WEINBERG
Y	KITZENBERG	Y	WHEAT
Y	LAIBLE	Y	WILLIAMS
Y	LARSON	Y	TESTER

Y=YEA N=NAY E=EXCUSED -=ABENT OR NOT VOTING
YP=PAIRED YEA NP=PAIRED NAY Y*=CENTRAL YEA N*=CENTRAL NAY