

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

JOINT COMMITTEE ON RULES

Call to Order: Chairman Jeff Essmann, on December 6, 2010 at 9:30 A.M., in Room 317 Capitol

SENATE ROLL CALL

Senate 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)

Senate Members Excused:

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

Senate Members Absent:

None

HOUSE ROLL CALL

House Members Present:

Rep. Michael More, Chairman (R)
Rep. Mike Milburn, Vice Chair (R)
Rep. Gerald Bennett (R)
Rep. John Esp (R)
Rep. Betsy Hands (D)
Rep. Dave Hunter (D)
Rep. Steve Lavin (R)
Rep. Margaret MacDonald (D)
Rep. Tom McGillvray (R)
Rep. Jerry O'Neil (R)
Rep. Ken Peterson (R)
Rep. Dan Skattum (R)
Rep. Cary Smith (R)
Rep. Wendy Warburton (R)
Rep. Max Yates (R)

House Members Excused:

Rep. Steve Fitzpatrick (R)
Rep. Kristin Hansen (R)
Rep. Mike Phillips (D)
Rep. Michele Reinhart (D)
Rep. Jon Sesso (D)

House Members Absent:

None

Staff Present:

Debra Polhemus, Senate Committee Secretary
Todd Everts, Legislative Services Division (LSD)

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:

Review of bill draft request

Committee Business:

00:02:44 Sen. Peterson
00:05:50 Rep. Milburn
00:06:11 Chair Essmann

00:08:14 **Motion:** Sen. Olson moved to adopt LC9001 without the changes as proposed by Legislative Counsel.

Discussion:

00:08:58 Todd Everts discussed changes to lines 5, 6, and 7 and text from lines 7 through 23.

00:10:07 **Motion/Vote:** Sen. Chair moves to **ADOPT THE TWO RULES** as discussed by Todd Everts. Motion passed unanimously by voice vote of those present and voting.

Discussion:

00:10:31 Todd Everts discussed changes on page 3, line 26; page 7, lines 10 and 11; page 8, line 2.

00:11:29 **Motion/Vote:** Sen. Olson moved to **ADOPT RECOMMENDED CAPTION CHANGES**. Motion passed unanimously by voice vote of those present and voting.

Discussion:

00:12:07 Todd Everts discussed changes on page 10, lines 4 through 13.

00:12:43 **Motion/Vote:** Sen. Olson moved to **ADOPT RECOMMENDED CHANGES ON PAGE 10, LINES 4 THROUGH 13 AS AMENDED** (in handout). Motion passed unanimously by voice vote of those present and voting.

Discussion:

00:13:29 Todd Everts discussed changes on page 10, lines 16 and 21; page 11, line 3; page 12, line 6; page 15, line 4 & 5, line 25.

00:14:31 Sen Gallus
00:14:49 Sen. Essmann

00:15:01 **Motion/Vote:** Sen. Olson moved to **ADOPT THE RECOMMENDED CHANGES**. Motion passed unanimously by voice vote of those present and voting.

Discussion:

00:15:20 Todd Everts discussed proposed changes on page 16, lines 2-4 and lines 5-14.

00:17:36 **Motion/Vote:** Sen Olson moved to **ADOPT RECOMMENDED CHANGES**.

Discussion:

00:17:49 Rep. McGillvray

00:19:03 Sen. Peterson

00:19:52 **Substitute Motion:** Sen. Peterson moved to **ADOPT MOTION TO OPPOSE RULE CHANGE.**

Discussion:

00:20:07 Rep. Hunter

00:20:15 Sen. Essmann

00:20:25 **Motion/Vote:** Sen. Balyeat moved to **SEGREGATE LINES 3 & 4, ON PAGE 16.** Motion carried unanimously by voice vote of those present and voting.

Discussion:

00:20:59 Sen. Gallus

00:21:18 Sen. Peterson withdrew motion to **ADOPT MOTION TO OPPOSE RULE CHANGE.**

00:21:26 Chair Essmann

00:21:34 **Substitute Motion/Vote:** Sen. Balyeat moved to **ADOPT RECOMMENDED CHANGES ON LINE 2 THROUGH 4 ON PAGE 16.** Motion carried unanimously by voice vote of those present and voting.

00:22:16 **Substitute Motion:** Sen. Peterson moved to **NOT ACCEPT PROPOSED RULE CHANGES.**

Discussion:

00:22:47 Rep. Esp

00:23:20 Sen. Peterson withdrew motion.

00:23:45 **Motion/Vote:** Sen. Peterson moves **TO TABLE RULE CHANGES.** Senate Committee Members carry motion by voice vote with Senator Ripley voting nay. House Committee Members carry motion with Representative Phillips voting nay as voted by proxy by Representative Hunter.

Discussion:

00:25:57 Sen. Tutvedt

00:26:14 Chair Essmann

00:26:41 Todd Everts

00:27:23 Chairman Essmann

00:28:04 Todd Everts

00:28:30 **Motion:** Sen. Olson moved to **ADOPT RULES CHANGES ON PAGE 20, LINES 15 THROUGH 18.**

Discussion:

00:29:08 Rep. Hands
00:29:29 Todd Everts
00:29:47 Sen. Gallus
00:30:00 Chairman Essmann
00:30:07 Sen. Peterson
00:30:46 Sen. Williams
00:31:23 Sen. Balyeat

00:32:45 **Vote:** Motion is carried in the Senate by a roll call vote 11-8, with Senators Blewett, Gallus, Gillan, Hawks, Jent, Keane, Wanzenried and Williams voting nay, and Senators Blewett, Brown, Gillan, Jent, Keane, Vincent and Wanzenried voting by proxy. Motion is carried in the House by a roll call vote of 14-6 with Representatives Hands, Hunter, MacDonald, Phillips, Reinhart and Sesso voting nay, and Representatives Fitzpatrick, Hansen, Phillips, Reinhart and Sesso voting by proxy.

Discussion:

00:35:54 Todd Everts

00:37:04 **Motion/Vote:** Sen. Olson moved to **ADOPT CHANGES ON PAGE 26, LINE 5 AND LINES 6 THROUGH 27.** Motion carried unanimously by voice vote of those present and voting.

Discussion:

00:37:39 Todd Everts

00:38:57 **Motion/Vote:** Sen. Olson moved to **ADOPT CHANGES ON PAGE 32, LINES 1 THROUGH 16.** Motion carried unanimously by voice vote of those present and voting. Motion carried unanimously by voice vote of those present and voting.

00:39:57 Chair Essmann

00:40:11 **Motion:** Sen. Olson moved to **ADOPT CHANGES ON PAGE 32, LINES 23 AND 24 THROUGH PAGE 33 LINE 1.**

Discussion:

00:41:08 Sen. Balyeat
00:42:19 Sen. Lewis
00:43:16 Rep. Hands
00:43:37 Todd Everts
00:44:01 Chairman Essmann
00:44:28 Sen. Balyeat
00:45:46 Todd Everts

00:46:42 Susan Byorth Fox
00:47:21 Rep. Esp
00:48:07 Todd Everts
00:48:19 Chairman Essmann
00:48:34 Sen. Balyeat
00:49:10 Susan Byorth Fox
00:49:57 Rep. Esp
00:50:45 Chair Essmann
00:50:52 Todd Everts (clarifies motion)

00:51:30 **Vote:** Motion carried unanimously by voice vote of those present and voting.

00:51:55 **Motion:** Sen. Olson moved **TO ADOPT JOINT RULE AMENDMENT NO. 3.**

00:52:15 Sen. Olson
00:52:36 Sen. Peterson
00:53:44 Rep. Hunter
00:54:20 Todd Everts
00:54:26 Rep. Hunter
00:55:18 Sen. Gallus
00:55:39 Chairman Essmann
00:55:45 Rep. Peterson

00:56:33 **Motion/Vote:** Without objection from the committee, Chairman Essmann restated Rep. Peterson's request into a motion **TO INSERT "AND BILLS PROPOSING REFERENDUMS" INTO THE TEXT TO RULE 40-200 C.iii.** Motion carried 12-7 in the Senate with Senators Blewett, Gillan, Hawks, Jent, Keane, Wanzenried and Williams voting nay and Senators Blewett, Brown, Gillan, Jent, Keane, Vincent, Wanzenried voting by proxy. Motion carried 13-6 in the House with Representatives Hands, Hunter, MacDonald, Phillips, Reinhart and Sesso voting nay, and Senators Fitzpatrick, Hansen, Phillips, Reinhart and Sesso voting by proxy. Rep. Skattum abstained from vote.

00:59:03 **Motion:** Without objection from the committee, Chairman Essmann restated the remaining portion of the change **TO INSERT "ADOPT OR BY SUSPENDING OR CHANGING THE ALLOCATION OF REVENUES" INTO THE TEXT TO RULE 40-200 C.iii".**

Discussion:

00:59:36 Sen. Hawks
00:59:54 Chairman Essmann
01:00:42 Sen. Williams
01:01:14 Sen. Lewis
01:01:25 Rep. Peterson
01:01:41 Rep. Hunter
01:02:18 Rep. Peterson
01:02:25 Rep. Hunter
01:02:56 Sen. Hawks
01:04:55 Chairman Essmann

01:05:04 Rep. Esp
01:05:42 Sen. Brenden

01:06:00 **Vote:** Motion is carried in the Senate 11-8 by roll call vote with Senators Blewett, Gallus, Gillan, Hawks, Jent, Keane, Wanzenried, and Williams voting nay and Senators Blewett, Brown, Gillan, Jent, Keane, Vincent and Wanzenried voting by proxy. Motion is carried in the House 14-6 by roll call vote with Representatives Hands, Hunter, MacDonald, Phillips, Reinhart and Sesso voting nay and Senators Fitzpatrick, Hansen, Phillips, Reinhart and Sesso voting by proxy.

Discussion:

01:08:17 Todd Everts
01:08:54 Chairman Essmann

01:09:05 **Motion/Vote:** Sen. Olson moved to **ADOPT THE CAPTION CHANGE ON PAGE 34.** Motion carried unanimously by voice vote of those present and voting.

01:09:42 **Motion:** Rep. Peterson move **TO ADOPT 2010 MASON'S MANUAL.**

Discussion:

01:10:07 Sen. Brenden
01:10:28 Susan Byorth Fox
01:11:12 Sen. Brenden
01:11:28 Sen. Peterson
01:12:07 Rep. Peterson

01:12:44 **Vote:** Motion failed 8-11 by roll call vote in the Senate with Senators Peterson, Tutvedt, Balyeat, Brown, Hawks, Jent, Lewis and Vincent voting aye with Senators Blewett, Brown, Gillan, Jent, Keane, Vincent and Wanzenried voting by proxy. Due to failed vote result, no vote was taken of House Members.

01:14:39 Chair Essmann
01:14:45 Todd Everts

01:15:00 **Motion/Vote:** Sen. Olson moved **TO ADOPT ALL ACCEPTED CHANGES TO LC9001 AND DIRECT THAT A BILL DRAFT BE PREPARED.** Motion passed by a voice vote of those present and voting with Sen. Brenden voting nay.

ADJOURNMENT

Adjournment: 10:52 a.m.

Debra L. Polhemus, Secretary

Additional Documents:

EXHIBIT([rus00aad.pdf](#))