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MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

JOINT COMMITTEE ON RULES

Call to Order: Chair Art Wittich, on December 3, 2012 at 10:00 A.M., in Room 317-A
Capitol

SENATE ROLL CALL

Senate Members Present:

Sen. Art Wittich, Chair (R)
Sen. Debby Barrett, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jeff Essmann (R)
Sen. Greg Jergeson (D)
Sen. Cliff Larsen (D)
Sen. Alan Olson (R)
Sen. Mike Phillips (D)
Sen. Scott Sales (R)
Sen. Jon C. Sesso (D)
Sen. Fred Thomas (R)
Sen. Chas Vincent (R)

Senate Members Excused:

Sen. Larry Jent (D)
Sen. Jason Priest (R)
Sen. Rick Ripley (R)

Senate Members Absent:

None

HOUSE ROLL CALL

House Members Present:

Rep. Cary Smith, Chair (R)
Rep. David Halvorson, Vice Chair (R)
Rep. Mark Blasdel (R)
Rep. Christy Clark (R)
Rep. Mike Cuffe (R)
Rep. Champ Edmunds (R)
Rep. Galen Hollenbaugh (D)
Rep. Chuck Hunter (D)
Rep. Austin Knudsen (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Miller (R)
Rep. Gordon Vance (R)
Rep. Jeffrey W Welborn (R)
Rep. Kathleen Williams (D)

Members Excused:

Rep. Bryce Bennett (D)
Rep. Edith (Edie) McClafferty (D)

Members Absent: None

Staff Present:

Nadine Spencer, 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:

Executive Action Joint Rules LC 5656.

Committee Business:

00:01:49 Chairman Wittich

EXHIBIT(rus00a01)

00:02:54 President Essmann

00:03:42 Chairman Wittich

00:03:52 Todd Everts, Legislative Services Division (LSD)

EXHIBIT(rus00a02)

00:06:20 Chairman Wittich

00:06:29 Todd Everts, LSD

00:09:22 Chairman Wittich

00:09:53 Todd Everts

00:10:06 Chairman Wittich

00:10:28 Sen. Jergeson

00:10:51 Chairman Wittich

00:11:02 Sen. Jergeson

00:11:24 Chairman Wittich

Public Comment:

00:11:55 Sen. Jim Peterson, SD 15

Discussion:

00:12:38 Chairman Wittich

00:12:44 Sen. Peterson

00:18:47 Chairman Wittich

00:19:22 President Essmann

00:19:52 Todd Everts

00:21:49 Chairman Wittich

00:22:09 Co-Chair Smith

00:23:23 **Motion:** Co-Chair Smith moved **TO ADOPT** LC 5656.

00:23:53 **Motion:** Sen. Thomas moved **TO AMEND** LC 5656.

EXHIBIT(rus00a03)

Discussion:

00:24:23 Chairman Wittich

00:24:52 Sen. Phillips

00:25:07 Chairman Wittich

00:25:15 Rep. Knudsen

00:26:18 Chairman Wittich

00:26:22 Sen. Phillips

00:26:47 Rep. Knudsen

00:27:32 Sen. Sesso

00:30:56 Todd Everts

00:31:48 **Substitute Motion:** Sen. Sesso made a **SUBSTITUTE MOTION** to keep all the suggested language from the legislative council plus the new language from 5656.02.

00:33:24 Chairman Wittich
00:33:47 President Essmann
00:35:23 Rep. Miller
00:35:58 Rep. Hollenbaugh
00:37:46 Chairman Wittich
00:37:51 Rep. Hollenbaugh
00:38:02 Chairman Wittich
00:38:14 Rep. Hollenbaugh
00:38:21 Todd Everts
00:39:48 Chairman Wittich
00:39:53 Sen. Phillips
00:41:10 Todd Everts
00:42:00 Sen. Sales
00:42:15 Rep. MacDonald
00:42:44 Todd Everts
00:42:52 Chairman Wittich
00:42:56 Sen. Sesso
00:45:40 Chairman Wittich

00:46:08 **Vote:** Motion failed in the Senate by roll call vote 6-9 with Sens. Driscoll, Jent, Jergeson, Larsen, Phillips and Sesso voting aye. Sens. Jent, Priest and Ripley voted by proxy. Due to failed vote result, no vote was taken of House Members.

Discussion:

00:47:52 Sen. Jergeson
00:48:26 Chairman Wittich
00:48:55 Sen. Thomas
00:49:36 Rep. Hunter
00:50:02 Sen. Phillips
00:50:20 Sen. Sesso
00:52:36 Rep. Miller
00:52:49 Todd Everts
00:52:53 President Essmann
00:54:27 Sen. Sales

00:54:30 **Vote:** Motion carried in the Senate by roll call vote 9-6 with Sens. Driscoll, Jent, Jergeson, Larsen, Phillips and Sesso voting no. Sens. Jent, Priest and Ripley voted by proxy. Motion carried in the House by roll call vote 10-6 with Reps. Bennett, Hollenbaugh, Hunter, MacDonald, McClafferty and Williams voting no. Reps. Bennett and McClafferty voted by proxy.

00:58:00 **Motion/Vote:** Co-Chair Smith moved to **UPDATE THE REFERENCE TO MASON'S MANUAL TO 2010**. Motion carried unanimously by voice vote of those present and voting.

00:58:10 Rep. Clark left the meeting.

00:58:30 **Motion:** Sen. Jergeson moved to **REINSERT THE ADVERSE COMMITTEE REPORT LANGUAGE THAT WAS STRICKEN ON PAGE 8.** (see exhibit 1)

Discussion:

00:59:31 Chairman Wittich
00:59:46 Sen. Jergeson
01:07:50 President Essmann
01:07:58 Todd Everts
01:08:29 Sen. Jergeson
01:09:41 Sen. Thomas

01:11:36 **Vote:** Motion carried in the Senate by roll call vote 14-1 with Sen. Sesso voting no. Sens. Jent, Priest and Ripley voted by proxy. Motion failed in the House by roll call vote 6-10 with Reps. Bennett, Hollenbaugh, Hunter, MacDonald, McClafferty and Williams voting aye. Reps. Bennett, Clark and McClafferty voted by proxy. **Motion ultimately failed due to result of House vote.**

Discussion:

01:13:42 President Essmann
01:14:01 Todd Everts
01:14:29 Sen. Sesso
01:14:47 Todd Everts
01:15:10 Chairman Wittich

01:15:34 recess
01:28:12 reconvene

01:28:13 Reps. Clark and McClafferty entered the meeting.

Discussion:

01:28:55 Chairman Wittich

01:29:56 **Motion:** Co-Chair Smith moved **TO ADOPT** amendment 5656.01.
EXHIBIT(rus00a04)

Discussion:

01:30:05 Co-Chair Smith
01:30:48 President Essmann
01:31:19 Rep. Hunter
01:32:00 Co-Chair Smith
01:32:37 Sen. Olson
01:33:14 Sen. Sales
01:33:44 Co-Chair Smith
01:34:25 Rep. Williams

01:34:58 Todd Everts
01:35:07 Susan Fox, Executive Director, Legislative Services Division (LSD)
01:35:43 President Essmann

01:36:09 **Substitute Motion/Vote:** Sen. Driscoll moved that the amendment **BE TABLED**. Motion carried in the Senate by roll call vote with Sens. Jergeson, Priest, Thomas and Wittich voting no. Sens. Jent, Priest and Ripley voted by proxy. Motion failed 5-11 in the House by roll call vote with Reps. Bennett, Hollenbaugh, Hunter, MacDonald and McClafferty voting aye. Rep Bennett voted by proxy. **Motion ultimately failed due to result of House vote.**

Discussion:

01:38:54 Sen. Jergeson
01:39:40 Rep. Miller
01:39:50 Co-Chair Smith
01:40:13 Susan Fox, LSD
01:40:54 Co-Chair Smith
01:41:02 Chairman Wittich

01:41:24 **Motion/Vote:** Co-Chair Smith moved **TO AMEND** LC 5656.01 by striking the word "same" on the second line. Motion carried in the Senate by roll call vote 9-6, with Sens. Jent, Larsen, Phillips, Sales, Sesso and Vincent voting no. Sens. Jent, Priest and Ripley voted by proxy. Motion carried in the House by roll call vote 10-6 with Reps. Bennett, Hollenbaugh, Hunter, McClafferty Welborn and Williams voting no. Rep. Bennett voted by proxy.

01:43:37 **Motion/Vote:** Co-Chair Smith moved **TO ADOPT** LC 5656.01 **AS AMENDED**. Motion failed in the Senate 3-12 by roll call vote with Sens. Priest, Thomas and Wittich voting aye. Sens. Jent, Priest and Ripley voted by proxy. **Due to failed vote result, no vote was taken of House Members.**

01:45:18 **Motion:** Co-Chair Smith moved **TO ADOPT** amendment LC 5656.03.
[EXHIBIT\(rus00a05\)](#)

Discussion:

01:45:32 Susan Fox
01:50:33 Chairman Wittich

01:51:04 **Motion/Vote:** Motion **TO ADOPT** amendment 1 of 5656.03 carried by voice vote of those present and voting with Sen. Phillips voting no.

Discussion:

01:51:17 Chairman Wittich
01:51:36 Rep. Hunter
01:52:28 Co-Chair Smith
01:52:43 Chairman Wittich
01:52:59 Sen. Jergeson

- 01:53:18 Chairman Wittich
- 01:53:49 **Motion/Vote:** Co-Chair Smith moved **TO ADOPT** amendment 2 of 5656.03. Motion carried in the Senate by roll call vote 12-3, with Sens. Jergeson, Larsen and Phillips voting no. Sens. Jent, Priest and Ripley voted by proxy. Motion carried 12 -4 in the House by roll call vote with Reps. Bennett, Hunter, MacDonald and McClafferty voting no. Rep. Bennett voted by proxy.
- 01:55:55 **Motion/Vote:** Co-Chair Smith moved **TO ADOPT** amendment 3 of 5656.03. Motion carried unanimously by voice vote of those present and voting.
- 01:56:18 **Motion/Vote:** Co-Chair Smith moved **TO ADOPT** amendment 4 of 5656.03. Motion carried unanimously by voice vote of those present and voting.
- 01:56:38 **Motion/Vote:** Co-Chair Smith moved **TO ADOPT** amendment 5 of 5656.03. Motion carried unanimously by voice vote of those present and voting.
- 01:57:02 **Motion:** Co-Chair Smith moved **TO ADOPT** amendment 6 of 5656.03.

Discussion:

- 01:57:23 Rep. Williams
- 01:57:36 Chairman Wittich
- 01:57:58 President Essmann
- 01:58:31 Chairman Wittich
- 01:58:52 Rep. Hunter
- 01:59:27 Chairman Wittich
- 01:59:44 Rep. Hunter
- 02:00:02 Rep. Miller
- 02:00:17 Rep. Williams
- 02:00:37 Chairman Wittich
- 02:00:41 Rep. Williams
- 02:01:16 **Vote:** Motion carried in the Senate by roll call vote 9-6 with Sens. Driscoll, Jent, Jergeson, Larsen, Phillips, and Sesso voting no. Sens. Jent, Priest and Ripley voted by proxy. Motion carried in the House by roll call vote 10-6 with Reps. Bennett, Hollenbaugh, Hunter, MacDonald, McClafferty and Williams voting no. Rep. Bennett voted by proxy.
- 02:02:32 Rep. Hollenbaugh left the hearing.
- 02:03:02 **Motion:** Co-Chair Smith move **TO ADOPT** amendment 7 of 5656.03.

Discussion:

- 02:03:20 Sen. Sesso
- 02:04:01 Chairman Wittich
- 02:04:09 Rep. Knudsen
- 02:05:56 Sen. Sesso
- 02:06:02 Chairman Wittich

02:06:07 Sen. Sesso
02:06:11 Chairman Wittich

02:06:24 **Vote:** Motion failed by voice vote of those present and voting.

02:06:45 **Motion:** Co-Chair Smith moved **TO ADOPT** amendment 8 of 5656.03.

Discussion:

02:07:05 Sen. Phillips
02:07:31 Todd Everts
02:07:51 Rep. Hunter
02:08:28 President Essmann
02:09:24 Rep. Williams
02:09:35 Chairman Wittich
02:09:43 Susan Fox
02:10:05 Rep. Hunter
02:10:51 President Essmann
02:11:21 Chairman Wittich

02:11:26 **Vote:** Motion carried in the Senate by roll call vote 9-6 with Sens. Driscoll, Jent, Jergeson, Larsen, Phillips and Sesso voting no. Sens. Jent, Priest and Ripley voted by proxy. Motion carried in the House by roll call vote 9-7 with Reps. Bennett, Hollenbaugh, Hunter, MacDonald, McClafferty, Miller and Williams voting no. Rep. Bennett voted by proxy.

Discussion:

02:13:20 Sen. Jergeson
02:14:17 Chairman Wittich
02:14:31 Rep. McClafferty left the hearing.
02:14:36 Sen. Thomas
02:15:02 Sen. Jergeson
02:15:07 Sen. Thomas
02:15:10 Chairman Wittich

02:15:27 **Motion:** Co-Chair Smith moved **TO ADOPT** amendment 9 of 5656.03.

Discussion:

02:15:42 Sen. Phillips
02:16:12 President Essmann
02:17:26 Sen. Sesso
02:19:08 Co-Chair Smith
02:19:51 Sen. Olson
02:20:31 Rep. Hunter

02:21:31 **Vote:** Motion carried in the Senate by roll call vote 9-6 with Sens. Driscoll, Jent, Jergeson, Larsen, Phillips and Sesso voting no. Sens. Jent, Priest and Ripley voted by proxy. Motion carried in the House 10-6 with Reps. Bennett, Hollenbaugh, Hunter, MacDonald, McClafferty and Williams voting no. Reps. Bennett, Hollenbaugh and McClafferty voted by proxy.

02:23:15 **Motion:** Co-Chair Smith moved **TO ADOPT** amendment 10 of 5656.03.

Discussion:

02:23:24 Sen. Sesso
02:23:41 President Essmann
02:24:01 Rep. Williams
02:24:20 Chairman Wittich

02:24:32 **Vote:** Motion carried unanimously by voice vote of those present and voting.

02:24:44 **Motion/Vote:** Co-Chair Smith moved **TO ADOPT** amendment 11 of 5656.03. Motion carried unanimously by voice vote of those present and voting.

02:25:06 **Motion/Vote:** Co-Chair Smith moved **TO ADOPT** amendment 12 of 5656.03. Motion carried unanimously in the Senate by those present and voting. Motion carried in the House by those present and voting with Rep. MacDonald voting no.

02:26:00 **Motion/Vote:** Co-Chair Smith moved **TO ADOPT AS AMENDED** LC5656. Motion carried in the Senate by role call vote 10-5 with Sens. Driscoll, Jent, Larsen, Phillips and Sesso voting no. Sens. Jent, Priest and Ripley voted by proxy. Motion carried in the House by roll call vote 10-6 with Reps. Bennett, Hollenbaugh, Hunter, MacDonald, McClafferty and Williams voting no. Reps. Bennett, Hollenbaugh and McClafferty voted by proxy.

ADJOURNMENT

Adjournment: 12:35

Nadine Spencer, Secretary

Additional Exhibits:

MINUTES

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON RULES

Call to Order: Chair Art Wittich, on December 3, 2012 at 12:55 P.M., in Room 317-A
Capitol

ROLL CALL

Senate Members Present:

Sen. Art Wittich, Chair (R)
Sen. Debby Barrett, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jeff Essmann (R)
Sen. Greg Jergeson (D)
Sen. Cliff Larsen (D)
Sen. Alan Olson (R)
Sen. Mike Phillips (D)
Sen. Scott Sales (R)
Sen. Jon C. Sesso (D)
Sen. Fred Thomas (R)
Sen. Chas Vincent (R)

Senate Members Excused:

Sen. Larry Jent (D)
Sen. Jason Priest (R)
Sen. Rick Ripley (R)

Senate Members Absent:

None

Staff Present:

Nadine Spencer, 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:

Executive Action on Senate Rules LC 5658.

Committee Business:

02:50:27 Chairman Wittich

[EXHIBIT\(rus00a06\)](#)

[EXHIBIT\(rus00a07\)](#)

02:52:25 **Motion:** Sen. Barrett moved **TO ADOPT** LC5658.

Discussion:

02:52:48 Todd Everts, Legislative Services Division (LSD)

02:54:35 Chairman Wittich

02:54:44 Todd Everts, LSD

02:54:56 **Motion:** Sen. Jergeson moved **AN AMENDMENT TO THE RESOLUTION ON PAGE 34 TO RESTORE THE STRICKEN LANGUAGE ON LINE 13 AND TO STRIKE THE LANGUAGE ON LINE 15 THROUGH 22.** (see exhibit 6)

Discussion:

02:55:30 Sen. Jergeson

03:00:18 Sen. Sales

03:01:19 Sen. Jergeson

03:02:00 Sen. Thomas

03:04:28 Sen. Olson

03:05:11 President Essmann

03:05:41 Sen. Jergeson

03:07:00 Chairman Wittich

03:08:05 Sen. Driscoll left the hearing.

03:08:22 Sen. Sales

03:08:50 Sen. Jergeson

03:09:07 Sen. Sales

03:10:04 Todd Everts

03:11:06 Sen. Jergeson

03:12:31 **Vote:** Motion carried by roll call vote 12-3 with Sens. Priest, Ripley and Sales voting no. Sens. Driscoll, Jent, Priest, and Ripley voted by proxy.

03:14:07 **Motion:** Sen. Jergeson moved **TO REVERSE THE LANGUAGE THAT ELIMINATES THE ADVERSE COMMITTEE REPORT LANGUAGE ON PAGES 17 AND 30.** (see exhibits 6 and 7)

Discussion:

03:15:42 Sen. Thomas

03:15:57 **Vote:** Motion carried by roll call vote 11-4 with Sens. Essmann, Priest, Ripley and Sales voting no. Sens. Driscoll, Jent, Priest and Ripley voted by proxy.

03:16:52 **Motion/Vote:** Sen. Jergeson moved **THE TECHNICAL AMENDMENT ON PAGE 38 LINE 27**. Motion carried by voice vote of those present and voting. (see exhibit 6)

Discussion:

03:17:19 Chairman Wittich
[EXHIBIT\(rus00a08\)](#)
[EXHIBIT\(rus00a09\)](#)

03:17:44 **Motion:** Sen. Barrett moved **TO ADOPT** the amendment LC 5858.01.

Discussion:

03:17:57 Sen. Thomas
03:19:41 Chairman Wittich
03:19:56 President Essmann
03:20:07 Sen. Vincent

03:20:36 **Vote:** Motion carried by voice vote of those present and voting.

03:20:42 **Motion:** Sen. Barrett moved **TO ADOPT** the amendment LC 5858.02.

Discussion:

03:21:01 Sen. Thomas
03:22:02 Sen. Olson

03:22:24 **Vote:** Motion carried by voice vote of those present and voting.

03:22:42 **Motion/Vote:** Sen. Barrett moved **TO ADOPT AS AMENDED** LC 5658. Motion carried unanimously by roll call vote. Sens. Driscoll, Jent, Priest and Ripley voted by proxy.

ADJOURNMENT

Adjournment: 1:30

Nadine Spencer, Secretary

Additional Exhibits:

Additional Documents:

EXHIBIT([rus00aad.pdf](#))