

**HOUSE JOURNAL  
59TH LEGISLATURE  
SECOND LEGISLATIVE DAY**

Helena, Montana  
January 4, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Branae. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Musgrove, excused. Quorum present.

Speaker Matthews introduced the following pages for the week.

Pages: Erin Birdinground, Lodge Grass; Katie Driscoll, Helena; Ashley Eades, Lewistown; Laretta Hill, Dillon; Cassie Keogh, Missoula; Linsey Penn, Butte.

Rep. Parker introduced the Leadership. For the Republicans Rep. Roy Brown will be the House Leader, Rep. Michael Lange will be Floor Leader, the Whips will be Rep. Debby Barrett and Rep. Dennis Himmelberger. For the Democrats, Rep. Dave Wanzenried will be the House Leader, Rep. John Parker will be the Floor Leader, and the Whips will be Rep. Gail Gutsche and Rep. Bob Bergren.

**MOTIONS**

Rep. Parker moved the Joint Rules of the 58th Legislature be adopted as temporary Joint Rules for the 59th Legislature until Joint Rules are adopted. Motion carried unanimously.

Rep. Parker moved that the memorandum of agreement printed and placed on members' desks and the House Rules of the 58th Legislature that are not in conflict with the memorandum of agreement be adopted as temporary operating rules for the House of Representatives of the 59th Legislature until House Rules are adopted. (Memorandum of Agreement below.)

**Memorandum of Agreement  
Recommended by the House Rules Subcommittee**

The House Rules Committee subcommittee, comprised of Representative Wanzenried, Representative Parker, Representative Lindeen, Representative Brown, Representative Lange, and Representative Noennig, recommend the following:

(1) Officers of the House.

(a) In order to reflect the even division of the House, the terms "majority" and "minority" normally associated with the respective caucus leaders will be changed to reflect the particular caucus that selected that officer.

(b) There is an additional officer of the House to be known as the House Republican Leader. If the Speaker is not the elected leader of the Democratic House caucus, then there is another officer of the House to be known as the House Democratic Leader. The House Republican Leader and the House Democratic Leader will be elected by their respective caucuses.

(c) The House Democratic caucus shall elect a Democratic Floor Leader and Democratic Whips, and the House Republican caucus shall elect a Republican Floor Leader and Republican Whips.

(2) Duties of the Speaker. The duties of the Speaker as presiding officer are those duties traditionally associated with the position as provided in the House Rules and the Joint Rules of the Montana Legislature. Other duties of the Speaker are modified as provided in this agreement.

(3) Organization of Standing Committees of the House.

(a) Each standing committee must be comprised of an equal number of members of each political party.

(b) There will be an equal number of committees chaired by the members of each political party.

(c) There must be two vice-chairmen for each committee, one from each political party.

(d) The Democrats will chair the following standing committees: Appropriations; Business and Labor; Education; Ethics; Fish, Wildlife, and Parks; Human Services; Rules; and State Administration.

(e) The Republicans will chair the following standing committees: Agriculture; Federal Relations, Energy, & Telecommunications; Judiciary; Legislative Administration; Local Government; Natural Resources; Taxation; and Transportation.

(f) A subcommittee of a standing committee may be appointed by the chairman of the committee. A subcommittee must be comprised of an equal number of members from each political party. The chairman of the standing committee shall appoint the chairman of the subcommittee.

(g) The House Democratic Leader, in consultation with the Speaker, shall appoint the Democratic committee chairmen and vice-chairmen and the House Republican Leader, in consultation with the Speaker, shall appoint the Republican committee chairmen and vice-chairmen. The authority to appoint carries with it the power to remove a chairman or vice-chairman from a committee.

(h) The members of the standing and select committees shall be appointed by the House Democratic Leader and the House Republican Leader after good faith consultation with the Speaker and the other House Leader. The Speaker shall appoint a total of 3 members to standing committees. After the Speaker has made appointment, the Democratic House Leader and the Republican House Leader shall appoint the members of their respective parties. The authority to appoint carries with it the power to remove a member from a committee.

(i) The Speaker, the House Democratic Leader, the House Republican Leader, and the two floor leaders are ex officio nonvoting members of all committees.

(j)(A) Except as provided in item 3(j)(B), a tie vote in a standing committee on the question of a recommendation to the whole House on a matter before the committee, for example on a question of whether a bill "do pass" or "do not pass" does not result in the matter passing out to the whole House for consideration without recommendation.

(B) Each political party is entitled to choose 12 bills on which a tie vote in committee will result in the matter passing out of committee to the whole House without recommendation. The bills must be chosen by the House Democratic Leader for the Democratic party and the House Republican Leader for the Republican party. The House Democratic Leader and the House Republican Leader may agree in writing to increase the number of bills on which a tie vote in committee will result in the matter passing out of committee to the whole House without recommendation.

(4) Appointment and Recommendations of Conference Committees.

(a) 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 their respective party. If there is no House Democratic Leader, then the Speaker shall appoint the members.

(b) 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.

(5) Subcommittees of the Committee on Appropriations.

(a) There will be six subcommittees of the Committee on Appropriations. Three subcommittees will be chaired by Democratic representatives and three subcommittees will be chaired by Republican representatives.

(b) The chairman of the Committee on Appropriations shall choose the first subcommittee chairman and the vice-chairman of the Committee on Appropriations from the other political party shall choose the second subcommittee chairman. The parties shall then alternate the selection of the remaining subcommittee chairmen.

(6) Staff. All House staff hired to date will be retained.

(7) Office Space. The House Democratic Leader and the House Republican Leader shall meet and reach an agreement on the office space allocated to each political party. If there is no House Democratic Leader, the Speaker shall act on behalf of the Democrats.

(8) Scheduling and Assignment of Bills.

(a) The Speaker will set the schedule for the House and schedule bills for debate on second reading after good faith consultation with the House Democratic Leader and the House Republican Leader.

(b) If the Speaker is not the elected leader of the Democratic caucus, the Rules Committee shall establish the jurisdiction of each standing committee and bills must be assigned to committee by the Chief Clerk of the House in conformity to the committee jurisdiction. The assignment of a bill to a committee may be appealed to the Rules Committee by either House Leader. If the Rules Committee does not reassign a bill to another committee, the original assignment may not be changed unless accomplished by motion on the House floor.

(c) Until the Rules Committee establishes the jurisdiction of each standing committee, bills may be assigned to committee by agreement between the Speaker, the House Democratic Leader, and the House Republican Leader.

(9) Procedural Motions. The floor leader of the party of the Speaker shall make routine procedural motions required to conduct the business of the House.

(10) Fiscal Notes. Upon request of the House Leader of the opposite party, the Speaker will submit a request for a fiscal note on any bill.

(11) Amendment to House Rules. The House Rules will be amended to reflect the respective responsibilities of the House Democratic Leader and House Republican Leader as reflected in this agreement and this agreement will supercede any conflicting House rules.

(12) Entry Upon the Journal. This agreement must be entered upon the House Journal on the legislative day of its adoption.

Motion for adoption of temporary House rules passed as follows:

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

Noes: None.  
Total 0

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

#### **ANNOUNCEMENTS**

Speaker Matthews announced that Rep. Lange and Rep. Lindeen will work with him on Committee assignments.

Speaker Matthews stated the House will not be in session on Saturday, January 8, 2005.

Representative Parker moved that the House adjourn until 1:00 p.m., Thursday, January 6, 2005. Motion carried.

House adjourned at 1:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House