

**Legislative Council Rules Subcommittee Committee Recommended Proposals Regarding Legislative Rules
(10/13/2014)**

Proposal #	Rule Issue Identified	Existing Law/ Rules Impacted	Proposal
1	Clean-up --eliminate JR 10-90 regarding legislative interns because statutory provisions have been repealed.	JR 10-90 -pg 5	Remove JR 10-90.
2	The Montana Supreme Court ruled that repealed and amended sections count as words in bill titles of Legislative Referenda. JR 10-130 (4) requires all repealed and amended sections in a bill must be stated in the title.	JR 10-130(4) - pg 7	Create exception for Legislative Referenda within JR 10-130(4) and direct that a section listing sections amended and repealed be placed in the body of the referendum.
3	Update revenue estimating process rule changes made during the 2013 session.	JR 30-60 - pg 13	Eliminate last session's revenue estimating rule revisions from rules.
4	Reclarify classification of revenue bills for transmittal deadline purposes.	JR 40-200 (1)(c)(iii) - pg 33	Revert back to pre-2011 rule change by eliminating "or by suspending or otherwise changing the allocation of revenues" language.
5	Sync up revenue and appropriation bill transmittal deadlines.	JR 40-200 -pg 32 & 33	Revise JR 40-200 so that revenue and appropriation bill transmittal deadlines are the same.
6	Designate ranking minority member for Senate and House standing committees.	S30-10 - pg 12 H30-10 - pg 12	Clarify in rule that the minority leader in the Senate and in the House shall designate the ranking minority member for each standing committee.
7	Clean-up archaic heading in S50-210.	S50-210 - pg 36	Eliminate heading language in rule.

8	Reclassify certain House committees	H30-10 -pg 12-13	Reclassify the Fish, Wildlife, and Parks and Local Government from class 3 committees to class 2 committees. Reclassify Federal Relations, Energy, and Telecommunications and Transportation from class 2 committees to class 3 committees.
9	Clarify House rules regarding cosponsor forms.	H40-30 - pg 22	Require in rule that a legislator that wants to be a cosponsor sign the cosponsor form that is attached to the legislation.
10	Cloture House rule - clarify the 30-minute timing requirements.	H40-170 - pg 30-31	Clarify the starting point for the 30-minute time clock and that substitute motions do not count toward the 30-minute time clock.

Other issues raised in the Subcommittee For Council Consideration:

1. The Subcommittee agreed to send the following proposal forward without any recommendation:

Streamline the confirmation process in the Senate by authorizing the Senate President to request bill drafts.	S70-20 - pg 39 S70-30 - pg 39 -41	Formalize in rule a streamlined process for confirmations.
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S70-20. ~~Introduction and first reading of Receiving nominations -- requesting bill drafts.~~ (1) Nominations received from the Governor must be:

- (a) received by the President;
- (b) delivered to the Secretary of the Senate; and
- (c) read under Order of Business No. 4, messages from the Governor; and
- ~~(d) referred to committee. The President of the Senate may refer any individual nomination contained in a list received from the Governor to any standing committee.~~

~~(2) The procedure in subsection (1) constitutes introduction and first reading of the nominations.~~

~~(3)(2)~~ (2) The Secretary shall distribute a copy of the list of nominations to each Senator.

(3) (a) The President of the Senate shall submit a bill draft request for a resolution for each group of nominees read under Order of Business No. 4. These bill draft requests will not count against any bill draft request limit imposed on the President of the Senate.

(b) Prior to introduction of the resolution, the President of the Senate shall designate the appropriate committee chair to introduce the simple resolution.

S70-30. Committee process -- preliminary reports -- separate consideration. (1) (a) The committee shall research each nominee and may request biographical information from the Governor for each nominee if none has been provided.

(b) ~~The committee chair shall submit a bill draft request on behalf of the committee for a simple resolution to include the nominee submitted to the committee or a group of nominees, the group of nominees being specified by the committee chair. These bill draft requests will not count against any bill draft request limit imposed on members.~~ When the resolution has been prepared and introduced, the committee shall hold a hearing on the resolution after appropriate public notice has been given.

(2) Following the hearings for a group of nominees, the committee shall issue preliminary standing committee reports to be distributed to each Senator, stating the committee's recommendations concerning the nominees. A preliminary standing committee report is not required for a resolution for a single nominee pursuant to subsection (5).

(3) (a) If a Senator wishes to have an individual nominee or group of nominees considered by the Senate separately from the group of nominees recommended by the committee, the Senator may request of the chair of the committee that the nominee or nominees be considered by a separate resolution.

(b) A Senator shall request separate consideration of a nominee within 3 days of receipt of the preliminary standing committee report. The committee chair shall honor this request.

(4) After waiting 3 days from the day of distribution of the preliminary standing committee report, the committee chair shall issue a final standing committee report and deliver the report to the Secretary of the Senate.

(a) If a nominee is to be separated from the resolution, the final standing committee report must include an amendment deleting that nominee.

(b) When a nominee has been separated at the request of a Senator or when a single nomination has been submitted to a committee, the committee chair shall submit a bill draft request on behalf of the committee for a simple resolution to include only the single or separated nominee. When the resolution has been prepared and introduced, the committee shall take executive action on the resolution. When a hearing on the separated nomination was held prior to the committee's preliminary standing committee report, an additional hearing is not required to be held before the committee takes action on the separate resolution. After the committee's executive action, the committee chair shall issue a standing committee report.

(5) If a resolution contains only one nominee, the committee shall dispense with the preliminary standing committee report and shall issue a final standing committee report to be distributed to each Senator stating the committee's recommendation concerning the nominee.

(6) The Secretary will read the reports under Order of Business No. 2, reports of standing committees.

(7) After the report has been read, the resolution must be placed on Order of Business No. 11 the next legislative day for consideration by the Senate. Motions to approve or disapprove of the resolution are in order and may be debated.

2. The Subcommittee discussed a proposal to modify the Senate Call Rules. The Subcommittee concluded that the full Legislative Council should deliberate on this issue, so the Subcommittee agreed to send the following to the Council without recommendation:

S50-220. Call of the Senate. (1) In the absence of a quorum, a majority of Senators present may compel the attendance of absent Senators by ordering a call of the Senate.

~~(2) If a quorum is present, five Senators may order a call of the Senate.~~

~~(3) (2)~~ On a call of the Senate, a Senator who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of the Senators present direct. When the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator's absence, the Senator may not be paid any expense payments while absent and is liable for the expenses incurred in procuring the Senator's attendance.

~~(4) (3)~~ During a call of the Senate, all business must be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. The call may be removed by a ~~two-thirds~~ majority vote of the members present.

2. Appendix A.

List of Questions Requiring Other Than a Majority Vote

The following questions require the vote specified:

~~(1) a call of the Senate with a quorum pursuant to S50-220(2) (five Senators);~~

~~(2) a motion to lift a call of the Senate pursuant to S50-220(4) (two-thirds of the members present);~~

~~(3) (1)~~ a motion to amend or suspend rules pursuant to S60-10 (two-thirds);

~~(4) (2)~~ a motion to override the Governor's veto pursuant to S50-250 and Article VI, section 10(3), of the Montana Constitution (two-thirds);

~~(5) (3)~~ a motion to approve a bill to appropriate the principal of the coal trust fund pursuant to Article IX, section 5, of the Montana Constitution (three-fourths of each house);

~~(6) (4)~~ a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of the Montana Constitution for purposes other than those described in that section (three-fifths of each house);

~~(7) (5)~~ a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature);

~~(8) (6)~~ an appeal of the ruling of the presiding officer pursuant to S20-10 (one Senator, seconded by two other Senators);

~~(9) (7)~~ a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds);

~~(10) (8)~~ a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant to Article XII, section 4, of the Montana Constitution (two-thirds); and

~~(11) (9)~~ a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths).

3. The Subcommittee decided not to modify the Legislative Rules regarding the use of electronic devices. The Subcommittee recommended that the Legislative Council provide guidelines for legislative orientation training and presiding officer training regarding decorum with respect to the use of electronic devices during committee public hearings or executive action. The following draft guideline language is submitted for the Council's consideration:

(1) A legislator's primary focus should be on serving their constituents and the citizens of the state of Montana. Courtesy and respect by and for legislators, staff, and the public is expected. During committee hearings, the public testimony should be the priority focus of a legislator. Legislators should avoid various forms of distraction that could lead the public to believe that their testimony is not being heard, i.e., newspapers and other reading material should be placed away during testimony.

(2) Use of electronic devices other than for committee or floor business is generally discouraged, and if used, should be a tool for taking notes and for pertinent research, reference, and communication to assist a legislator in being more productive. Use of electronic devices should be nondisruptive and open; extraneous communication should be limited; and if a legislator must communicate for a nonhearing-related reason that may take some time, the legislator should excuse him or her self from the hearing.

(3) Use of electronic devices for written communication regarding legislative business may potentially constitute a public record that could be subject to the public right-to-know provisions of the Montana Constitution.

4. The Subcommittee discussed Senator Essmann's proposal for on-call ethics committees during the interim. The Subcommittee decided not to move this proposal forward. Senator Essmann may submit this proposal to the full Council.