



PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

**LEGISLATIVE COUNCIL**  
**67th Montana Legislature**

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**SENATE MEMBERS**

Mark Blasdel  
Margie MacDonald  
JP Pomnichowski  
Scott Sales  
Jon Sesso  
Fred Thomas

**HOUSE MEMBERS**

Kim Abbott  
Seth Berglee  
Wylie Galt  
Greg Hertz  
Shane Morigeau  
Casey Schreiner

**COMMITTEE STAFF**

Susan Fox - Executive Director  
Todd Everts - Attorney  
Fong Hom - Secretary

**RULES SUBCOMMITTEE**  
**MINUTES LOG**  
**ZOOM CONFERENCE MEETING**

August 10, 2020

Remote Room102, State Capitol Building

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**ROLL CALL**

**Subcommittee Members Present:**

Sen. Mark Blasdel  
Rep. Kim Abbott  
Rep. Wylie Galt  
Sen. Margie MacDonald

**Staff Present:**

Todd Everts, Attorney  
Susan Fox, Executive Director  
Fong Hom, Secretary

**AGENDA (Attachment 1)**

**CALL TO ORDER/ROLL CALL**

10:00:00 Sen. Mark Blasdel called the meeting to order at 10:00 a.m. The secretary called roll. **(Attachment 2)**

**Potential Rule Change Proposals for a Standard Regular Session**

10:04:37 Todd Everts, Chief Legal Counsel, discussed the rules proposals. **(Exhibit 1)**

**Proposal #1 – JR 40-50: Does a session committee bill or resolution cover committee bill proposing referenda, revenue bills and bills implementing HB 2?**

10:05:50 Mr. Everts discussed session committee bills or resolutions proposing referendums in the deadlines under JR 40-50.

10:07:03 Sen. MacDonald asked if the committee is suggesting that a bill that includes a referendum would have to come from a session committee.

10:07:57 Mr. Everts said there was confusion on implementing this exception to the 6-legislative day deadline as it related to session committee bills.

**Proposal #2 – JR 40-100: Do we need a requirement to have a positive action in committee in order to request a revised fiscal note on an amended bill?**

10:09:24 Mr. Everts discussed the standard operating procedure on requesting a revised fiscal note on an amended bill.

**Proposal #3 – JR 40-110: Providing forms for preparation of sponsors' fiscal note rebuttals.**

10:13:32 Mr. Everts discussed JR 40-110.

**Proposal #4 – JR 40-200: Proposed language on transmittal deadlines and what constitutes a revenue bill.**

10:14:11 Mr. Everts discussed the proposed language in JR 40-200(1)(c)(iii).

10:18:32 Sen. JP Pomnichowski asked about proposed language in subsection (b).

10:19:39 Susan Fox, Executive Director, said that if there is zero fiscal impact, fiscal notes won't have to be reprinted except for committee members. That could be done if the term "fines" is deleted and subsection (b) would not be needed.

10:20:44 Rep. Kim Abbott asked if what we are trying to get at is a zero fiscal impact, is there a reason we don't say that instead of eliminating fines.

10:21:21 Mr. Everts said that, at the point that we make that designation, we don't know whether there's going to be a fiscal impact until it comes back from the budget office.

10:23:14 Sen. MacDonald said that she would prefer to have subsection (b) in there for clarity.

- 10:24:17 Mr. Everts discussed proposed language in subsection (b) regarding reproduction of fiscal notes for members of the committee.
- 10:24:54 Ms. Fox discussed lowering the printing costs by not reprinting fiscal notes on bills that were not amended.

**Proposal #5 – JR 40-40: Sponsorship of a bill.**

- 10:25:52 Mr. Everts discussed bill sponsors and adding co-sponsors and incorporating the House Rules into the Joint Rules for consistency sake. The language in (8)(a) and (b) is language from the House Rule.

**Proposal #6 – JR 40-160: The Supreme Court does not want a copy of an enrolled bill.**

- 10:27:02 Mr. Everts discussed the Supreme Court declining a copy of an enrolled bill.

**Proposal #7 – JR 40-100: Clarify the 6-day return requirement for fiscal notes to exclude Sundays.**

- 10:27:32 Mr. Everts discussed the 6-day return requirement for fiscal notes by the Budget Office to potentially exclude Sundays.
- 10:28:39 Sen. MacDonald asked about conflicts with statute and if it merits a committee bill to say this deletes calendar from the statute.
- 10:29:20 Mr. Everts said that is a policy call on whether you want to go into the statute and clarify that it means 6 calendar days except for Sundays.
- 10:29:53 Sen. Pomnichowski noted that there is almost no way to accomplish 6 days without including Sundays. She supports Mr. Everts' recommendation to not adopt a rule that is contrary to statute.

**Proposal #8 – Duplicate H 40-80: New rule on rereferral of bills to the Senate Finance and Claims Committee.**

- 10:30:39 Mr. Everts said that the language from House Appropriations reflects what happens in the House on rereferral of bills to Senate Finance and Claims and if they are rereferred and no changes are made and the bills are sent back with no changes, then the Senate can do what the House does and put the bill up on 3<sup>rd</sup> reading without having to debate the bill.
- 10:30:57 Sen. Pomnichowski asked if the Legislature can mark on the House and Senate agendas that a bill has been returned unchanged.
- 10:32:01 Mr. Everts said that proposal #10 has the language that Sen. Pomnichowski is talking about. We can modify that language for this rereferral.

**Proposal #9 – JR 40-40: Review bill draft limits.**

- 10:34:33 Mr. Everts said that no action was taken.
- 10:35:49 Sen. MacDonald said that this could be on the table for session planning and could be tied to what we opted for in the 2021 session as far as factors relating to accommodating members, the virus, and other issues.

**Proposal #10 – H 40-80: Rereferral language for bills sent to House Appropriations with no change.**

10:37:09 Mr. Everts said this is a reworking of the rereferral language that we looked at for the Senate and House and trying to cut down on the reprinting aspect.

**Proposal #11 – S 30-160: Rule revision of Senate and House Ethics Committee Process.**

10:37:46 Mr. Everts discussed the Senate rule guiding the ethics committee and that the House has no related rules. He requested more time to provide process options to potentially necessitate a Legislative Council committee bill to authorize the ethics committee to meet or authorize the Legislative Council to operate as an ethics committee during the interim.

**Committee Questions**

10:40:31 Sen. MacDonald asked Mr. Everts to discuss the constitutional concerns around assigning the Legislative Council the function of handling ethics complaints and issues during the interim.

10:44:03 Sen. Blasdel asked for comments from Marilyn Miller or Lindsey Vroegindewey. Ms. Miller commented on the sponsorship rules.

10:45:18 Sen. MacDonald asked for clarification in the interpretation of proposal #1.

10:46:51 *Rep. Galt joined the meeting at 10:46 a.m.*

**Public Comment**

10:47:23 Mary Ann Dunwell, House District 84, made a request that in the event of a public health emergency that the Legislature comply with official public health and safety directives, protections, and regulations.

**Further Discussion**

10:51:07 Sen. Pomnichowski asked about the Senate rule requiring a member to be present to vote on second reading. She asked if the Senate Rule could follow the House model. Mr. Everts said that the rules that Sen. Pomnichowski suggested changing is what he considers part of the potential remote/hybrid session scenario.

10:53:20 Sen. Pomnichowski asked about voting pairs and about the rule on attendance and establishing a quorum. She asked if that could also apply to virtual committee meetings and cover provisions for a virtual/hybrid session.

10:53:47 Sen. Blasdel asked if the committee should take action on the rules today. Mr. Everts said the Rules Subcommittee is planning to meet the morning of the Legislative Council's August 24, 2020 meeting.

**ADJOURNMENT**

10:56:59 Sen. Blasdel adjourned the meeting at 10:56 a.m.