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LEGISLATIVE COUNCIL
67th Montana Legislature

SENATE MEMBERS

Mark Blasdel
Margie MacDonald

HOUSE MEMBERS

Kim Abbott
Wylie Galt

COMMITTEE STAFF

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

RULES SUBCOMMITTEE

MINUTES LOG

August 24, 2020

Capitol Building, Remote Room 102
Helena, Montana

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ROLL CALL

Subcommittee Members Present:

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

Staff Present:

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

AGENDA (Attachment 1)

CALL TO ORDER/ROLL CALL

09:00:00 Sen. Mark Blasdel called the meeting to order at 9:00 a.m. The Secretary called roll. (Attachment 2)

POTENTIAL RULE CHANGE PROPOSALS FOR REGULAR SESSION

09:02:07 Todd Everts discussed the Staff Standard Session Generated Rules Proposals. (Exhibit 1)

Proposal #1: JR 40-50, does session committee bill cover a committee bill proposing referenda, revenue bills, and bills implementing HB 2

09:03:15 Mr. Everts discussed the proposal.

Proposal #2: Fiscal Notes

09:04:01 Mr. Everts discussed the proposal.

Proposal #3: JR 40-110

09:04:45 Mr. Everts said this was to include Legislative Fiscal Division in the forms for sponsor's fiscal note rebuttal.

Proposal #4: JR 40-200

09:05:06 Mr. Everts discussed what constitutes a revenue bill.

09:07:15 Sen. Pomnichowski said that language regarding fiscal notes is used as though all of the legislators will be physically present. She asked if the word "signature" in the second sentence, "presiding officer shall notify and request the chief sponsor's *signature*..." could be changed to say "electronic signature communication...". She also asked if in the last sentence, "that must be reproduced and then placed on member's desk", language could be changed or added to say "that the new fiscal note will be posted online."

09:08:35 Mr. Everts said that the best thing to do, as part of the temporary emergency rule package that we will be taking a look at, is note that these will have to be changes made in those temporary operating rules.

Proposal #5: JR 40-40

09:09:46 Mr. Everts said that the rule didn't change from the discussions from the last meeting regarding uniform bills sponsorship.

09:10:07 Sen. Pomnichowski said that at the last meeting there was a brief about communication with a sponsor or with either the secretary or chief clerk with someone wishing to be a co-sponsor, that that could be done by e-mail or a phone call.

09:10:37 Sen. MacDonald discussed inserting the word "either" after the underlined to read "and either sign or initial..."

Proposal #6: JR 40-160

09:11:14 Mr. Everts said this is to eliminate the two duplicate printed copies of an enrolled bill because the Supreme Court doesn't want a copy.

Proposal #7: New rule on rereferral of bills to Senate Finance and Claims

09:11:44 Mr. Everts discussed the rereferral language that is transferred from the House regarding the Senate and Finance Claims and that that language stays the same.

Proposal #8: JR 40-40

09:12:10 Mr. Everts discussed bill draft limits for the upcoming session in the temporary operating rules.

Proposal #9: H 40-80

09:12:59 Mr. Everts said that that is a rereferral to the House Appropriations Committee and that language stayed the same.

Proposal #10: Rule revision of the Senate and House Ethics Committee Process

09:13:18 Mr. Everts said that he will need more time to work through this proposal.

09:13:34 Sen. Pomnichowski asked about the two options for the Ethics Committee: to allow the Ethics Committee to convene during the interim, and to have the Legislative Council act as the ethics committee during the interim.

09:16:04 Sen. MacDonald asked Mr. Everts if the requirement of the Legislature to take action on an ethics complaint is a constitutional requirement that would not be remedied by a statute calling for a poll of the Legislature during the interim. Mr. Everts said that it is a constitutional requirement.

Public Comment

09:18:09 Rep. Mary Ann Dunwell said that she would like to see changes in the temporary operating rules for the COVID-19 pandemic done now rather than wait.

09:20:05 Sen. Diane Sands appreciated the work done on the rules issue.

Committee Questions/Discussions

09:21:36 Sen. Blasdel said that further direction will be needed for Proposal #8. He requested more clarification on #10 with what Mr. Everts has in the new House rule.

09:22:15 Mr. Everts suggested that the subcommittee note that it is working on #10 and will present the changes to the full Council.

Motion by Sen. Pomnichowski

09:22:49 Sen. Pomnichowski moved to advance proposed rules 1 through 7, and 9, with the suggested changes.

09:23:41 Sen. Blasdel discussed his concerns with Sen. Pomnichowski's motion.

09:25:21 Sen. Pomnichowski withdrew her motion.

Motion by Sen. MacDonald

09:26:04 Sen. MacDonald moved to adopt rules 1 through 7, and 9.

09:27:17 The motion passed unanimously on a roll call vote.

INITIAL LIST OF PROPOSED TEMPORARY COVID-19 OPERATING RULES FOR 2021 SESSION FOR HYBRID REMOTE SESSION

09:29:07 Mr. Everts discussed the draft outline on the Joint Resolution to adopt temporary emergency rules. [\(Exhibit 2\)](#)

Public Comment

None.

Committee Questions/Discussions

09:42:42 Sen. Blasdel said that the full Legislative Council will be going through not only the standard session proposed changes that was just adopted and moved forward but it will also discuss potential rules for remote capabilities.

09:43:43 Mr. Everts discussed what is needed from the full Council in fleshing out the rules for the upcoming session.

09:45:19 Rep. Abbott asked when Mr. Everts would have a final outline that the Council members would respond to.

09:47:27 Ms. Fox discussed getting more technical information in order to get that done. As technology is put in place, some of these rules will become more apparent.

09:51:11 Sen. MacDonald commented on the suggestion that it might be worthwhile to have a September meeting of the Rules Committee once we have more of this fleshed out.

09:52:25 Rep. Galt said that he is worried about changing the trigger for Legislative Days if have a remote session, what that looks like, and if that needs to be a rule change.

09:53:13 Sen. Pomnichowski discussed provisions in the regular session rules for the public to participate remotely. She also discussed 5-2-301, MCA, regarding legislators are entitled to salary, etc., when the regular session is convened.

Public Comment

09:55:34 Sen. Sands discussed Sen. Pomnichowski's and Rep. Galt's comment on legislator salary and per diem if a legislator decides to participate in a remote session.

09:56:30 Sen. Pomnichowski discussed the provisions in 5-2-301, MCA.

09:58:14 Rep. Mary Ann Dunwell commented on the need to look at equity for rural legislators having to travel to participate remotely.

09:59:34

Ms. Fox said that she and Mr. Everts will look into what gets taxed and why to make sure that reimbursement will be equitable.

ADJOURNMENT

10:00:57

Sen. Blasdel adjourned the meeting at 10:00 a.m.

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