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## **JOINT SENATE AND HOUSE RULES**

### **67th Montana Legislature**

#### **SENATE MEMBERS**

Dick Barrett  
Bryce Bennett  
Mark Blasdel  
Steve Fitzpatrick  
Douglas (Doug) Kary  
Bob Keenan  
Margaret (Margie)  
MacDonald  
Nate McConnell  
Albert Olszewski  
Mike Phillips  
Scott Sales  
Jon Sesso  
Cary Smith  
Fred Thomas  
Roger Webb

#### **HOUSE MEMBERS**

Kim Abbott  
Becky Beard  
Seth Berglee  
Bob Brown  
Edward Buttrey  
Alan Doane  
Kimberly Dudik  
Robert Farris-Olsen  
Frank Garner  
Casey Knudsen  
Dennis Lenz  
Forrest Mandeville  
Shane Morigeau  
Matt Regier  
Derek Skees  
Sharon Stewart Peregoy  
Katie Sullivan  
Brad Tschida  
Tom Woods

#### **COMMITTEE STAFF**

Jaret Coles – Attorney  
Julianne Burkhardt – Attorney  
Todd Everts – Code Commissioner  
Susan Fox – Executive Director  
Nadine Spencer - Secretary

## **MINUTES LOG**

September 24, 2020  
11:01 AM  
Room 317

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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## SENATE ROLL CALL

### **Senate Members Present in Helena:**

Sen. Albert Olszewski (R)

### **Senate Members Present Remotely:**

Sen. Fred Thomas, Chair (R)  
Sen. Mark Blasdel, Vice Chair (R)  
Sen. Steve Fitzpatrick (R)  
Sen. Douglas (Doug) Kary (R)  
Sen. Bob Keenan (R)  
Sen. Cary Smith (R)  
Sen. Roger Webb (R)

### **Senate Members Excused:**

Sen. Scott Sales (R)

### **Senate Members Absent:**

Sen. Dick Barrett (D)  
Sen. Bryce Bennett (D)  
Sen. Margaret (Margie) MacDonald (D)  
Sen. Nate McConnell (D)  
Sen. Mike Phillips (D)  
Sen. Jon Sesso, Vice Chair (D)

## HOUSE ROLL CALL

### **House Members Present in Helena:**

Rep. Derek Skees, Chair (R)  
Rep. Forrest Mandeville, Vice Chair (R)  
Rep. Bob Brown (R)  
Rep. Becky Beard (R)  
Rep. Edward Buttrey (R)  
Rep. Dennis Lenz (R)  
Rep. Matt Regier (R)  
Rep. Brad Tschida (R)

### **House Members Present Remotely:**

Rep. Seth Berglee (R)  
Rep. Alan Doane (R)  
Rep. Frank Garner (R)  
Rep. Casey Knudsen (R)

### **House Members Absent:**

Rep. Kimberly Dudik, Vice Chair (D)  
Rep. Kim Abbott (D)  
Rep. Robert Farris-Olsen (D)  
Rep. Shane Morigeau (D)  
Rep. Sharon Stewart Peregoy (D)  
Rep. Katie Sullivan (D)  
Rep. Tom Woods (D)

### **Staff Present:**

Jaret Coles, attorney  
Julianne Burkhardt, attorney  
Todd Everts, code commissioner  
Susan Fox, executive director  
Nadine Spencer, secretary

### **Committee Business Summary**

#### **Executive Action:**

- Amendment to Joint Rule 10-180 (JTR-POLL-03) – **MOTION FAILED**
- Segregate amendment to Joint Rule 30-70 and Joint Rule 30-90 – **DO PASS**
- Amendment to Joint Rule 30-70 (JTR POLL 01.AJC) – **DO PASS**
- Amendment to Joint Rule 30-90 (JTR POLL 01.AJC) - **DO PASS**
- Amendment to Joint Rule 60-05, 60-10, 60-40 (JTR POLL 02.AJC) – **DO PASS**
- Amendment creating joint rule 5-0-5 (JTR POLL 04.AJJ) – **TABLED**
- Insert new Joint Rule 50-05 (JTR POLL 05.AJC) – **TABLED**
- Voted to poll the full House and Senate membership on amendments JTR POLL 01.AJC, and JTR POLL 02.AJC Items 1 and 2.

### **Agenda (Attachment 1)**

### **Visitor Register** (Attachment 2)

### **CALL TO ORDER/ROLL CALL**

- 11:05:55 Sen. Thomas called the meeting to order at 11:01 a.m. The secretary called the roll. (Attachment 3) Sen. Sales gave his proxy to Sen. Bladel. Rep. Tschida gave his proxy to Rep. Mandeville. (Attachment 4)
- 11:05:56 Sen. Thomas discussed the four amendments sent to the Senate and House membership for their consideration.
- 11:08:22 Sen. Thomas discussed legislative auditor appointments and said the committee received a copy of an auditor contract. (Exhibit 1)

### **AMENDMENT TO JOINT RULE 10-180 - MEMBERS PRESENT PHYSICALLY OR BY ELECTRONIC MEANS**

- 11:11:55 Sen. Thomas opened committee action on the amendment to Joint Rule 10-180 (JTR-POLL-03). (Exhibit 2)

### **Motion**

- 11:12:20 Rep. Skees moved that **AMENDMENT JTR POLL 03.AJC DO PASS.**

### **Discussion on the Motion**

- 11:12:54 Sen. Olsewski
- 11:14:25 Rep. Skees
- 11:15:40 Sen. Webb
- 11:17:17 Rep. Dudik raised her hand to comment. Rep. Skees said Rep. Dudik is unexcused from the meeting and can speak during public comment.

### Vote

11:17:38 The motion failed 1-8 by roll call vote in the Senate. Sen. Thomas voted aye. Sen. Sales voted no by proxy. Since the motion failed in the Senate no vote was taken in the House. ([Attachment 5](#))

### AMENDMENT TO JOINT RULE 30-70 - APPOINTMENT OF INTERIM COMMITTEES

11:19:58 Sen. Thomas opened committee action on the amendment to Joint Rule 30-70 (JTR POLL 01.AJC). ([Exhibit 3](#))

### Motion

11:21:25 Rep. Mandeville moved that **AMENDMENT JTR POLL 01.AJC DO PASS.**

### Discussion on the Motion

11:21:53 Sen. Kary  
11:22:21 Sen. Thomas  
11:22:39 Sen. Ellsworth  
11:24:58 Sen. Buttrey

### Motion

11:26:40 Sen. Buttrey moved to **SEGREGATE ITEMS 1 AND 2 FROM AMENDMENT JTR POLL 01.AJC AND VOTE ON EACH ITEM SEPARATELY.**  
11:26:59 Sen. Thomas moved that **ITEM 1 - TO AMEND JOINT RULE 30-70 APPOINTMENT OF INTERIM COMMITTEES DO PASS.**

### Discussion on the Motion

11:27:34 Rep. Skees  
11:27:47 Sen. Thomas

### Vote

11:29:43 The motion carried unanimously by voice vote in the Senate and in the House. Sen. Sales and Rep. Tschida voted aye by proxy.  
11:30:48 Sen. Thomas opened committee action on Item 2 of amendment JTR POLL 01.AJC.

### Motion

11:31:39 Rep. Skees moved that **ITEM 2 - TO INSERT NEW JOINT RULE 30-90 ADMINISTRATIVE COMMITTEES DO PASS.**

### Discussion on the Motion

11:31:52 Sen. Ellsworth  
11:33:37 Sen. Buttrey  
11:34:57 Rep. Mandeville

11:35:53 Rep. Buttrey  
11:36:19 Sen. Fitzpatrick

### **Vote**

11:37:17 The motion carried 7-2 by roll call vote in the Senate. Sen. Fitzpatrick and Sen. Keenan voted no. Sen. Sales voted aye by proxy. The motion carried 10-2 by roll call vote in the House. Rep. Garner and Rep. Buttrey voted no. Rep. Tschida voted aye by proxy. ([Attachment 6](#))

### **AMENDMENT TO JOINT RULE 60-05, 60-10, 60-40 - SOURCE AND PRECEDENT OF LEGISLATIVE RULES OF THE MONTANA LEGISLATURE**

11:40:15 Sen. Thomas opened committee action on the amendment to Joint Rule 60-05, 60-10, 60-40 (JTR POLL 02.AJC). ([Exhibit 4](#))

### **Motion**

11:41:58 Rep. Skees moved that **AMENDMENT JTR POLL 02.AJC DO PASS.**

### **Discussion on the Motion**

11:42:23 Rep. Buttrey  
11:43:40 Sen. Thomas  
11:44:24 Rep. Skees  
11:45:54 Rep. Buttrey  
11:46:53 Sen. Thomas  
11:47:30 Rep. Skees  
11:48:40 Rep. Garner  
11:50:09 Sen. Thomas  
11:51:21 Rep. Garner  
11:52:13 Sen. Thomas  
11:55:50 Rep. Skees  
11:57:41 Rep. Garner  
11:58:22 Sen. Fitzpatrick  
11:59:08 Sen. Thomas  
12:01:01 Sen. Fitzpatrick  
12:01:35 Rep. Skees  
12:02:38 Sen. Thomas  
12:04:06 Sen. Fitzpatrick  
12:04:32 Sen. Thomas  
12:04:44 Sen. Fitzpatrick  
12:05:17 Sen. Thomas  
12:05:58 Rep. Skees  
12:07:22 Sen. Fitzpatrick  
12:07:34 Rep. Skees

12:08:41 Sen. Fitzpatrick  
12:09:22 Sen. Thomas  
12:10:34 Sen. Fitzpatrick  
12:10:56 Sen. Thomas  
12:12:14 Sen. Fitzpatrick  
12:13:20 Rep. Mandeville  
12:14:50 Rep. Skees  
12:15:45 Rep. Berglee  
12:17:32 Sen. Thomas

### **Vote**

12:19:20 The motion carried 8-1 by roll call vote in the Senate. Sen. Fitzpatrick voted no. Sen. Sales voted aye by proxy. The motion carried unanimously by roll call vote in the House. ([Attachment 7](#))

### **AMENDMENT CREATING JOINT RULE 50-5 - LEGISLATIVE PROCLAMATIONS - POLLING PROCEDURE**

12:21:20 Sen. Thomas opened committee action on the amendment creating joint rule 50-5 (JTR POLL 04.AJJ). ([Exhibit 5](#))  
12:21:40 Rep. Skees said the committee received a copy of a sample ballot. ([Exhibit 6](#))  
12:22:05 Sen. Thomas provided information on JTR POLL 04.AJJ.

### **Motion**

12:23:21 Rep. Skees moved that **AMENDMENT JTR POLL 04.AJJ DO PASS.**

### **Discussion on the Motion**

12:23:34 Rep. Buttrey said amendment JTR POLL 05.AJC is almost the same as amendment JTR POLL 04.AJJ and provides additional clarification in a few of the sections. He recommended withdrawing the motion and taking executive action on JTR POLL 05AJC.

### **TECHNICAL CHANGES TO THE AMENDMENT CREATING JOINT RULE 50-5 ON LEGISLATIVE PROCLAMATIONS**

12:24:07 Sen. Thomas said he will accept the motion as a substitute motion. He said the committee received a copy of JTR POLL 05.AJC at the last meeting. ([Exhibit 7](#))  
12:24:49 Jaret Coles, staff attorney, Legislative Services Division (LSD), provided information on JTR POLL 05.AJC.  
12:25:51 Sen. Thomas asked Sen. Buttrey about making a motion to amend JTR POLL 04.AJJ.  
12:26:01 Sen. Buttrey said he would rather make a substitute motion to adopt amendment JTR POLL 05.

12:26:20 Sen. Thomas said the motion is in order.

### **Substitute Motion**

12:26:47 Sen. Buttrey made a substitute motion that **AMENDMENT JTR POLL 05.JTR DO PASS.**

### **Discussion on the Motion**

12:27:15 Rep. Garner  
12:28:06 Sen. Thomas  
12:28:29 Rep. Skees  
12:28:47 Sen. Thomas  
12:31:11 Rep. Garner  
12:31:52 Sen. Thomas  
12:33:22 Rep. Buttrey  
12:34:39 Rep. Bob Brown  
12:35:36 Rep. Skees

### **Motion**

12:36:45 Rep. Garner moved **TO TABLE AMENDMENT JTR POLL 05.AJC.**  
12:37:01 Sen. Thomas said the motion is in order and without objection called for a voice vote in the House.

### **Vote**

12:37:17 The motion carried by majority voice vote in the House. Rep. Mandeville voted no. Sen. Thomas said the amendment will be set aside.  
12:38:20 Sen. Buttrey asked about executive action on amendment JTR POLL 04.AJJ.

### **Motion/Vote**

12:38:29 Rep. Buttrey moved **TO TABLE AMENDMENT JTR POLL 04.AJJ.** The motion carried unanimously by voice vote in the House.  
12:39:18 Sen. Thomas said the committee has passed three separate amendments. He said Mr. Coles prepared a potential ballot and the full House and Senate will vote on each of the amendments separately.  
12:40:06 Sen. Ellsworth asked if the ballots will be sent through the mail or voted on electronically. Sen. Thomas said the ballots will be sent through the mail. He said they need to be signed and returned in person, by mail, fax, or scanned and emailed.  
12:40:47 Sen. Thomas said a separate vote will be taken on the segregated items in amendment JTR POLL 01.AJC.  
12:41:31 Rep. Skees said the committee voted to pass three amendments.

12:41:40 Sen. Thomas agreed.  
12:42:05 Rep. Skees commented on the polling procedure in amendment JTR POLL 01.AJC.  
12:42:54 Rep. Skees provided an explanation for his earlier objection to not allow Rep. Dudik to make comments during roll call.  
12:44:04 Sen. Thomas asked for a motion to poll the Legislature.

### **Motion**

12:44:23 Rep. Skees moved to poll the Legislature on the amendments.

### **Discussion on the Motion**

12:44:47 Mr. Coles  
12:47:32 Sen. Thomas  
12:47:43 Rep. Skees  
12:47:59 Rep. Buttrey  
12:48:15 Rep. Skees  
12:48:33 Sen. Thomas  
12:49:04 Rep. Skees

### **Vote**

12:49:24 The motion carried unanimously by roll call vote in the Senate and in the House. Sen. Sales and Rep. Tschida voted aye by proxy. ([Attachment 8](#))

### **Public comment**

12:51:28 Rep. Kimberly Dudik, HD 94.  
12:55:13 Rep. Casey Schreiner, HD 26. ([Exhibit 8](#))  
12:56:10 Rep. Mary Ann Dunwell, HD 84. ([Exhibit 9](#))  
13:02:01 Al Smith, Montana Trial Lawyers Association.  
13:03:00 The committee also received written public comment. ([Exhibit 10](#))  
13:04:27 Sen. Thomas thanked committee members.

### **ADJOURNMENT**

13:04:57 Sen. Thomas adjourned the meeting at 1:04 p.m.