

Committee: Joint Legislative Procedure

Thursday, January 12, 2023 3:00 PM

Roll Call

Present: Rep. Cammack, Rep. Healy, Rep. Mortenson, Rep. Rehfeldt, Rep. Stevens, Rep. Venhuizen, Sen. Crabtree, Sen. Duhamel, Sen. Jack Kolbeck, Sen. Maher, Sen. Nesiba, Sen. Wheeler, Sen. Schoenbeck, and Rep. Bartels

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Bartels

MOTION: Amend Chapter 2 of the joint rules as follows:

2-5. Remote attendance permitted. ~~Notwithstanding the provisions of Joint Rules 2-2, 2-3, and 12-2 the president pro tempore of the Senate and the speaker of the House of Representatives may excuse a member from personal attendance at a committee meeting or at a daily floor session if the member has the COVID-19 virus or the member is in quarantine because of the COVID-19 virus. The excused member may participate and vote in any committee meeting or any daily session from a remote site and by electronic means. The president pro tempore or speaker shall notify the chair of each committee the excused member serves on that the member has been excused. The committee minutes and the daily journal shall indicate that the excused member participated and voted remotely.~~

And Amend Chapter 7 of the joint rules as follows:

7-6. Contents of committee minutes. Minutes of standing committees filed pursuant to Joint Rule 7-5 shall contain the number of each proposal considered; the title or a brief summary of each proposal's major provisions; the committee's action, if any, on each proposal, including a brief minority report if requested by any committee member; a record of how each committee member voted when action was taken, including votes on motions to postpone consideration of proposals; and a list of all persons testifying before the committee on each proposal and the interest they represent. ~~Minutes shall reflect if any member is participating and voting remotely as permitted under Joint Rule 2-5.~~ Minutes of budget hearings conducted by an appropriations committee may contain a synopsis of testimony received. Minutes shall be open to the public for inspection.

And Amend Chapter 12 of the joint rules as follows:

12-2. Voting restrictions. No member may vote on any question unless within the chamber and voting before the result of the vote is announced. ~~However, a member may vote from a remote site if excused from personal attendance under Joint Rule 2-5.~~

Moved by: Mortenson
Second by: Maher
Action: Prevailed by Majority Members Elect (14-0-0-0)

Voting Yes: Cammack, Healy, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Nesiba, Wheeler, Schoenbeck, and Bartels

MOTION: Amend Chapter 5 of the joint rules as follows:

5-17. Motion to delay action on amendments. Final action upon any amendment to a bill or resolution may not be had until ~~one~~ the next legislative day ~~has intervened~~, if a request for delay is made and is supported by at least one-fifth of the members. However, no such request is in order after the deadline prescribed by Joint Rule Chapter 17. This rule cannot be invoked more than two times on the same bill in each house.

And Amend Chapter 17 of the joint rules as follows:**CHAPTER 17.****LEGISLATIVE DEADLINES**

Legislative Deadlines	
Legislative Action	40 Day Session
A. Last day for unlimited introduction of individual bills and joint resolutions ¹	12 th Day
B. Last day for introduction of individual bills and joint resolutions ¹	15 th Day
C. Last day for introduction of committee bills and joint resolutions ¹	16 th Day
D. Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26th Day
E D. Last day to move required delivery of bills or joint resolutions by a committee to the house of origin and last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	27 th Day
F E. Last day to pass bills or joint resolutions by the house of origin and to introduce House, Senate, or concurrent resolutions	28 th Day

G <u>F</u> . Last day for introduction of commemorations	33 rd Day
H <u>G</u> . During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	34 th Day
H <u>I</u> . Last day to move required delivery of bills or joint resolutions by a committee to the second house	35 th Day
J <u>I</u> . Last day for a bill or joint resolution to pass both houses	36 th Day
K <u>J</u> . The last day of a legislative session is reserved for the consideration of vetoes	40 th Day
¹ Bills and joint resolutions must be submitted to the Legislative Research Council at least 48 hours prior to this deadline, pursuant to Joint Rule 6A-5.	

Moved by: Rehfeldt
 Second by: Crabtree
 Action: Prevailed by Majority Members Elect (14-0-0-0)

Voting Yes: Cammack, Healy, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Nesiba, Wheeler, Schoenbeck, and Bartels

MOTION: Amend Chapter 6A of the joint rules as follows:

6A-5. Review of bills by the Legislative Research Council. Before a bill, resolution, or commemoration may be introduced, it shall be reviewed by the Legislative Research Council for style and form. No bill, House resolution, Senate resolution, concurrent resolution, or joint resolution may be submitted to the Legislative Research Council for review ~~less than forty-eight hours before~~ less than one legislative day prior to the final introduction date for bills, House resolutions, Senate resolutions, concurrent resolutions, or joint resolutions as provided in Joint Rule Chapter 17. The draft must be submitted by 5 p.m. in order to allow for an intervening legislative day. However, if a day of legislative recess intervenes between the date of posting and the date of consideration, the requirement of submission is fulfilled if the submission is made by 5 p.m. on the day before the legislative recess.

And Further Amend Chapter 17 of the joint rules as follows:**CHAPTER 17.****LEGISLATIVE DEADLINES**

Legislative Deadlines	
Legislative Action	40 Day Session
A. Last day for unlimited introduction of individual bills— and , joint resolutions, concurrent resolutions, and resolutions of the house of origin ¹	12 th Day
B. Last day for introduction of individual bills— and , joint resolutions, concurrent resolutions, and resolutions of the house of origin ¹	15 th Day
C. Last day for introduction of committee bills and joint resolutions ¹	16 th Day
D. Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26 th Day
E. Last day to move required delivery of bills— or , joint resolutions, concurrent resolutions, or resolutions of the house of origin by a committee to the house of origin	27 th Day
F. Last day to pass bills— or , joint resolutions, or concurrent resolutions by the house of origin— and to introduce House, Senate, or concurrent resolutions	28 th Day
G. Last day for introduction of commemorations	33 rd Day
H. During the seven final legislative days motions to reconsider and reconsideration being made upon	34 th Day— on

the same day (any time before adjournment)	
I. Last day to move required delivery of bills— or ¹ joint resolutions, <u>or concurrent resolutions</u> by a committee to the second house	35 th Day
J. Last day for a bill— or ¹ joint resolution, <u>or concurrent resolution</u> to pass both houses	36 th Day
K. The last day of a legislative session is reserved for the consideration of vetoes	40 th Day
¹ Bills, <u>concurrent resolutions</u> , <u>House resolutions</u> , <u>Senate resolutions</u> , and joint resolutions must be submitted to the Legislative Research Council at least 48 hours prior to this deadline , in advance of the <u>deadline</u> pursuant to Joint Rule 6A-5.	

Moved by: Nesiba
 Second by: Schoenbeck
 Action: Prevailed by Majority Members Elect (14-0-0-0)

Voting Yes: Cammack, Healy, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Nesiba, Wheeler, Schoenbeck, and Bartels

The Joint Committee discussed the provisions of Item 4 of the Legislative Research Council (LRC) memorandum and took no action.

MOTION: Amend Chapter 6C of the joint rules as follows:

6C-1. Bills and resolutions that require fiscal notes. A bill, amendment, or resolution that has an effect on the revenues, expenditures, or fiscal liability of the state or any political subdivision of the state may include a fiscal note incorporating an estimate of the effect. This rule does not apply to the cost of legislative processing, or any appropriation bill with specific dollar amounts. A fiscal note is an estimate of the fiscal implications relating to revenues, expenditures or debt, and the probable cost of the bill, amendment, or resolution. In preparing the fiscal note, the Director of the Legislative Research Council may use information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. The director shall state the sources of the information or data used and may state the extent to which the director relied on the information or data in preparing the fiscal note. If the director is unable to acquire or develop sufficient information or data to prepare a fiscal note, the director may prepare the fiscal note stating that fact, and the fiscal note shall be deemed to comply with this rule. If the director determines that the fiscal impact of a bill, amendment, or resolution cannot be determined,

the director may prepare the fiscal note stating that fact, and the fiscal note shall be deemed to comply with this rule.

This rule does not apply to prison or jail population cost estimates required by §§ 2-9-33 and 2-9-34. However, if the Legislature enacts legislation that would repeal the provisions of §§ 2-9-33 and 2-9-34 during the Ninety-eighth Session, then starting on the effective date of that legislation, this rule applies to fiscal notes pertaining to prison or jail cost estimates.

6C-1.3. Prison or jail population cost estimates. A prison or jail population cost estimate may be requested pursuant to Joint Rule 6C-1.1 for any bill or amendment with a Class 1 misdemeanor penalty that may impact the state prison or county jail population. The cost estimate shall be prepared pursuant to §§ 2-9-33 and 2-9-34. However, if the Legislature enacts legislation that would repeal the provisions of §§ 2-9-33 and 2-9-34 during the Ninety-eighth Session, then starting on the effective date of that legislation, the cost estimate shall be prepared pursuant Joint Rule 6C-1.

Moved by: Schoenbeck
Second by: Duhamel
Action: Prevailed by Majority Members Elect (12-2-0-0)

Voting Yes: Cammack, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Wheeler, Schoenbeck, and Bartels

Voting No: Healy and Nesiba

MOTION: To Amend 6D-1 as follows: In the second sentence of the first paragraph of joint rule 6D-1, strike "presiding officer of the house of origin" and insert "president pro tempore of the Senate or the speaker of the House"; in the third sentence of the first paragraph, strike "presiding officer" and insert " president pro tempore of the Senate or the speaker of the House"; and in the first sentence of the third paragraph, strike "presiding officer" and insert " president pro tempore of the Senate or the speaker of the House".

Moved by: Mortenson
Second by: Schoenbeck
Action: Prevailed by voice vote

MOTION: Further amend chapter 6D as follows:

6D-1. Referral of bills and resolutions to standing committees. Unless otherwise ordered, each bill or joint resolution shall be referred to a standing committee after its first reading.

If any member introduces an appropriation bill, the bill shall be referred directly to a standing committee. If any Committee on Appropriations introduces an appropriation bill, the ~~presiding officer of the house of origin~~ president pro tempore of the Senate or the speaker of the House may waive referral to a standing committee. If a bill has received final disposition from the Joint Committee on Appropriations, the president pro tempore of the Senate or the speaker of the House may waive the referral of the bill to a standing committee.

For the purposes of the Joint Rules, an appropriation bill is any bill that appropriates money from public funds and that appropriation is expressed in the title of the bill.

The ~~presiding officer~~ president pro tempore of the Senate or the speaker of the House may waive the referral of Senate resolutions, House resolutions, or concurrent resolutions to a standing committee. A copy of any concurrent resolution, Senate resolution, or House resolution shall be posted to the Legislative Research Council internet site before the resolution is acted upon.

Moved by: Venhuizen
Second by: Crabtree
Action: Prevailed by Majority Members Elect (14-0-0-0)

Voting Yes: Cammack, Healy, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Nesiba, Wheeler, Schoenbeck, and Bartels

The Joint Committee discussed chapter 6F of the joint rules (item7) and took no action.

MOTION: Amend chapter 6H of the joint rules as follows:

6H-4. Approval of commemorations in the house of origin. Any member of the body may object to the approval of any legislative commemoration by so stating on the floor of the body at any time before adjournment on the legislative day upon which the legislative commemoration is calendared. If no such objection is made, the legislative commemoration shall be deemed approved and the presiding officer shall deliver it to the other house. If there is objection, the legislative commemoration shall be deemed disapproved. The objection is not debatable.

6H-6. Approval of commemorations in the second house. Any member of the receiving body may object to the approval of any legislative commemoration by so stating on the floor of the body at any time before adjournment on the legislative day upon which the legislative commemoration is calendared. If no such objection is made, the legislative commemoration shall be deemed approved and the presiding officer shall deliver it to the house of origin. If there is objection, the legislative commemoration shall be deemed disapproved. The objection is not debatable.

And Amend chapter 13 of the joint rules as follows:

13-2. Consent calendar placement, objections. If any bill or resolution receives no opposition testimony in its final form and an affirmative "Do Pass" vote of all members present of the committee reporting the bill or resolution to its respective house, the committee chair may certify the bill or resolution as uncontested. Any bill or resolution so certified shall be placed on the consent calendar by the secretary of the Senate or the chief clerk of the House of Representatives. If any member objects to the placement or retention of any bill or resolution on the consent calendar, the bill or resolution shall be removed from the consent calendar and placed on the house calendar for second reading on the following legislative day. The objection is not debatable. No consent calendar bill or resolution may be considered for adoption until the legislative day following the day of its placement on the consent calendar.

Moved by: Mortenson
Second by: Schoenbeck

Action: Prevailed by Majority Members Present (14-0-0-0)

Voting Yes: Cammack, Healy, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Nesiba, Wheeler, Schoenbeck, and Bartels

MOTION: Amend chapter 7 of the joint rules as follows:

7-1.4. Posting of agendas. Agendas of the bills, resolutions, and other proposals to be considered at any meeting of a standing committee or subcommittee, excepting committee bill introductions, shall be posted on the bulletin board of the respective house. At least one legislative day shall intervene between the date of posting and the date of consideration. An agenda must be posted by 5 p.m. in order to allow for an intervening legislative day. However, if a day of legislative recess intervenes between the date of posting and the date of consideration, the requirement of posting is fulfilled if posting is made by 5 p.m. on the day before the legislative recess.

This rule does not apply to:

- (1) Consideration of a bill or resolution for which action is required pursuant to Joint Rule 7-7; or
- (2) Any bills or resolutions for consideration in an afternoon committee meeting that were on the committee's agenda for its morning meeting on the same day.

The term, consideration, means any taking of testimony by the committee, questioning by the committee, holding of committee discussion, or committee final action on a bill, resolution, or other proposal.

Moved by: Wheeler
Second by: Schoenbeck
Action: Prevailed by Majority Members Elect (14-0-0-0)

Voting Yes: Cammack, Healy, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Nesiba, Wheeler, Schoenbeck, and Bartels

MOTION: Amend chapter 6F of the joint rules as follows:

6F-6. Placement of bills and resolutions not receiving a "Do Pass" recommendation on the calendar. Any bill or resolution reported "Do Not Pass" or "without recommendation" shall fail if no motion is made for its disposition under the order of business of Consideration of Committee Reports on the next legislative day after delivery to the house. ~~On the final day to use Joint Rule 7-7, a motion must be made before adjournment on that day.~~ A motion to place a bill or resolution on the calendar where a committee reports a bill or resolution "Do Not Pass" or "without recommendation" shall require the vote of a majority of the members-elect to carry. A bill or resolution failing to be placed on the calendar is lost after time for reconsideration has passed.

And Amend chapter 7 of the joint rules as follows:

7-8. Placement of "smoked-out" bill or resolution on calendar. If a Joint Rule 7-7 is invoked for a bill or resolution on the last day for passage out of the applicable house, the bill or resolution is must be delivered to the House of Representatives or Senate pursuant to Joint Rules 7-7 on the last day for passage and it was not reported "Do Pass," and 7-7.1, as applicable, on the same legislative day. If reported out of

committee pursuant to Joint Rule 7-7.1 with a “Do Pass” recommendation, the bill or resolution is placed on that day’s calendar, Chapter 6F notwithstanding. If reported out under Joint Rule 7-7 or out of committee pursuant to Joint Rule 7-7.1 with a “Do Not Pass” recommendation or “without recommendation,” the bill or resolution is to be addressed under motions and resolutions and may, by motion approved by a majority of the members-elect of the House of Representatives or Senate, be placed on that day's calendar, Chapter 6F notwithstanding.

And Further Amend chapter 17 as follows:

LEGISLATIVE DEADLINES

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D. Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26 th Day
E. Last day to move required delivery of bills or joint resolutions by a committee to the house of origin	27 th Day
F. Last day to pass bills or joint resolutions by the house of origin and to introduce House, Senate, or concurrent resolutions <u>and to invoke Joint Rule 7-7 in the house of origin</u>	28 th Day
G. Last day for introduction of commemorations	33 rd Day
H. During the seven final legislative days motions to reconsider and reconsideration being made upon	34 th Day on

the same day (any time before adjournment)	
I. Last day to move required delivery of bills or joint resolutions by a committee to the second house	35 th Day
J. Last day for a bill or joint resolution to pass both houses <u>and to invoke Joint Rule 7-7 in the second house</u>	36 th Day
K. The last day of a legislative session is reserved for the consideration of vetoes	40 th Day
¹ Bills and joint resolutions must be submitted to the Legislative Research Council at least 48 hours prior to this deadline, pursuant to Joint Rule 6A-5.	

Moved by: Venhuizen
 Second by: Mortenson
 Action: Prevailed by Majority Members Elect (14-0-0-0)

Voting Yes: Cammack, Healy, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Nesiba, Wheeler, Schoenbeck, and Bartels

MOTION: Amend chapter 8 of the joint rules as follows:

6H-4. Approval of commemorations in the house of origin. Any member of the body may object to the approval of any legislative commemoration by so stating on the floor of the body at any time before adjournment on the legislative day upon which the legislative commemoration is calendared. If no such objection is made, the legislative commemoration shall be deemed approved and the presiding officer shall deliver it to the other house. If there is objection, the legislative commemoration shall be deemed disapproved. The objection is not debatable.

6H-6. Approval of commemorations in the second house. Any member of the receiving body may object to the approval of any legislative commemoration by so stating on the floor of the body at any time before adjournment on the legislative day upon which the legislative commemoration is calendared. If no such objection is made, the legislative commemoration shall be deemed approved and the presiding officer shall deliver it to the house of origin. If there is objection, the legislative commemoration shall be deemed disapproved. The objection is not debatable.

13-2. Consent calendar placement, objections. If any bill or resolution receives no opposition testimony in its final form and an affirmative "Do Pass" vote of all members present of the committee reporting the bill or resolution to its respective house, the committee chair may certify the bill or resolution as uncontested. Any bill or resolution so certified shall be placed on the consent calendar by the secretary of the Senate or the chief clerk of the House of Representatives. If any member objects to the placement

or retention of any bill or resolution on the consent calendar, the bill or resolution shall be removed from the consent calendar and placed on the house calendar for second reading on the following legislative day. The objection is not debatable. No consent calendar bill or resolution may be considered for adoption until the legislative day following the day of its placement on the consent calendar.

Moved by: Stevens
Second by: Cammack
Action: Prevailed by Majority Members Elect (14-0-0-0)

Voting Yes: Cammack, Healy, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Nesiba, Wheeler, Schoenbeck, and Bartels

MOTION: Amend chapter 7 of the joint rules as follows:

7-12.1. Joint committee on appropriations action. All Joint Committee on Appropriations action shall be approved by a majority vote of the Joint Committee unless a member calls for a separate vote of the House Committee on Appropriations and the Senate Committee on Appropriations in which case a majority vote of each committee is required to adopt the action. ~~This rule only applied to action taken by the Joint Committee on Appropriations as a whole.~~

Moved by: Schoenbeck
Second by: Maher
Action: Prevailed by Majority Members Elect (12-2-0-0)

Voting Yes: Cammack, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Wheeler, Schoenbeck, and Bartels

Voting No: Healy and Nesiba

MOTION: Authorize LRC staff to make all necessary grammatical and technical corrections to ensure the joint rules accurately reflect the recommendations of the Joint Committee.

Moved by: Schoenbeck
Second by: Cammack
Action: Prevailed by Majority Members Elect (14-0-0-0)

Voting Yes: Cammack, Healy, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Nesiba, Wheeler, Schoenbeck, and Bartels

MOTION: To adopt the joint rules of the Ninety-seventh Legislative Session as the joint rules of the Ninety-eighth Legislative Session with the changes previously agreed to

Moved by: Schoenbeck
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (14-0-0-0)

Voting Yes: Cammack, Healy, Mortenson, Rehfeldt, Stevens, Venhuizen, Crabtree, Duhamel, Jack Kolbeck, Maher, Nesiba, Wheeler, Schoenbeck, and Bartels

MOTION: ADJOURN

Moved by: Crabtree
Second by: Wheeler
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ HUGH M. BARTELS
Hugh M. Bartels, Chair