

FIRST READING

MISSING

SECOND READING

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THIRD READING

MISSING

1 SENATE JOINT RESOLUTION NO. 4
2 INTRODUCED BY LYNCH, HAZELBAKER

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT JOINT RULES
6 TO GOVERN ITS PROCEEDINGS.

7
8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
9 OF REPRESENTATIVES OF THE STATE OF MONTANA:

10 That the following joint rules are adopted:

11 CHAPTER 1

12 Presiding Officer - Decorum,

13 Order and Debate

14 1-1. The presiding officer of the senate is the
15 president and the presiding officer of the house of
16 representatives is the speaker. The presiding officer of
17 each house shall take the chair on every legislative day at
18 the hour to which that house adjourned at the last sitting.
19 After call to order, prayer by the chaplain and roll call, a
20 report on the journal for the preceding legislative day
21 shall be given in the presence of a quorum, and each house
22 shall proceed with the regular order of business.

23 1-2. The presiding officer, or any member acting as
24 presiding officer, of each house shall preserve order and
25 decorum, and in case of disturbance or disorderly conduct,

1 may order the galleries or lobbies to be cleared.

2 1-3. The presiding officer of each house has general
3 control and direction of the hall, chamber, rooms, passages
4 and corridors of the house over which he presides.
5 Reporters on assignment in either house are subject to
6 placement by the presiding officer.

7 1-4. The presiding officer of each house shall decide
8 all questions of order, subject to an appeal by any member
9 seconded by two other members. No member may speak more
10 than once on an appeal without the consent of a majority of
11 the house of which he is a member.

12 1-5. When a member desires to speak he shall rise and
13 address the presiding officer and, being recognized, shall
14 speak standing in his place unless the presiding officer
15 grants permission to speak from some other place on the
16 floor. When two or more members rise at the same time the
17 presiding officer shall name the member who is to speak
18 first.

19 1-6. When a member has been called to order, he shall
20 sit down until the presiding officer determines whether he
21 is in order or not. If the member is called to order for
22 words spoken in debate, the language excepted to shall be
23 taken down in writing by the chief clerk or secretary.

24 1-7. Questions of privilege are: first, those
25 affecting the collective rights, safety, dignity, and

1 integrity of the proceedings of either house; and second,
 2 those affecting the rights, reputation and conduct of
 3 individual members of either house in their capacity as
 4 members. A question of privilege affecting either house
 5 collectively takes precedence over a question of privilege
 6 affecting an individual member.

7 1-8. The presiding officer of each house shall sign all
 8 subpoenas approved or issued by the house over which he
 9 presides. The business manager and the presiding officer
 10 will co-sign all payrolls.

11 1-9. (1) A communication or paper shall be addressed to
 12 the presiding officer, and shall bear the name of the person
 13 submitting it. When the reading of a paper is called for
 14 and a member objects, it shall be determined by a vote of
 15 the house without debate. This subsection does not apply to
 16 bills, or to communications from the governor or the other
 17 house.

18 (2) A paper for or against proposed legislation may not
 19 be placed on the desks of the members or circulated within
 20 the chamber unless the person responsible has signed it and
 21 has received permission from the presiding officer to
 22 distribute it in the house concerned.

23 1-10. When the presiding officer is a member of the
 24 house over which he is presiding he shall vote as any other
 25 member, and may not vote a second time.

CHAPTER 2

Meetings, Quorums and Attendance

3 2-1. The hour of meeting of the senate is 1:30 p.m.
 4 unless otherwise ordered by the senate. The hour of meeting
 5 of the house of representatives is 1:30 p.m. unless
 6 otherwise ordered by the house.

7 2-2. Lobbying on the floor of the senate or house of
 8 representatives is prohibited during the session and within
 9 one hour prior to the commencement of a session and within
 10 one-half hour after recess or adjournment.

11 2-3. The sessions of the legislature and of the
 12 committee of the whole, all committee meetings, and all
 13 hearings shall be open to the public (Montana Constitution,
 14 Art. V, Sec. 10(3)).

15 2-4. Neither house shall, without the consent of the
 16 other, adjourn or recess for more than three days, nor to
 17 any other place than that in which the two houses shall be
 18 sitting (Montana Constitution, Art V, Sec. 10(5)).

19 2-5. A majority of each house shall constitute a quorum
 20 to do business, but a smaller number may adjourn from day to
 21 day, and compel the attendance of absent members, in such
 22 manner and under such penalties as each house may prescribe
 23 (Montana Constitution, Art. V, Sec. 10(2)).

24 2-6. Unless he is excused, a member of the house or
 25 senate shall be present at every sitting of the house of

1 which he is a member.

2 2-7. In the absence of a quorum, a majority of members
3 present in either house may compel the attendance of absent
4 members by ordering a call of the house of which they are
5 members.

6 2-8. If a quorum is present, five members of the senate
7 may order a call of the senate, and fifteen members of the
8 house of representatives may order a call of the house.

9 2-9. On a call of either house, a member who refuses to
10 attend may be arrested by the sergeant-at-arms or any other
11 person, as the majority of such members present shall
12 direct. When the attendance of an absent member is secured
13 after a call of either house, if the house of which he is a
14 member refuses to excuse his absence, he shall not be paid
15 any per diem during his absence and is liable for the
16 expenses incurred in procuring his attendance.

17 2-10. During a call of either house, all business of
18 that house shall be suspended. After a call has been
19 ordered no motion is in order except a motion to adjourn or
20 remove the call. The call may be removed by a two-thirds
21 vote.

22 2-11. If either house is in session upon a given day,
23 whether or not the other house is in session, that day shall
24 constitute a legislative day.

25 CHAPTER 3

1 Legislative Employees

2 3-1. The legislature shall prescribe the compensation
3 of the officers and employees of each house by joint
4 resolution. Each house shall prescribe the duties of its
5 officers and employees and no payment shall be made from the
6 state treasury, or be in any way authorized to any such
7 person, except to an acting officer or employee elected or
8 appointed in pursuance of law.

9 3-2. Except as provided in Joint Rule 3-3 and Joint
10 Rule 3-4, the business manager, subject to the supervision
11 of the committee on legislative administration of each house
12 and subject to the approval of the respective houses, shall
13 be responsible for personnel.

14 3-3. The committee on legislative administration of
15 each house shall appoint secretaries for standing or special
16 committees on recommendation of the committee chairman,
17 subject to the approval of the respective houses. A
18 secretary for a standing or special committee is immediately
19 responsible to the committee chairman, but when not occupied
20 with the duties of a committee, shall work under the
21 direction of the chief stenographer of each house. The
22 director of the Legislative Services Division of the
23 Legislative Council shall hire all engrossing and enrolling
24 typists and proofreaders.

25 3-4. The presiding officer and the majority and

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1 minority floor leader of each house may each appoint a
2 private secretary.

3 3-5. The secretary of the senate and chief clerk of the
4 house of representatives are responsible to the presiding
5 officers of their respective houses. Their duties are:

6 (a) To have custody of all records, bills, documents
7 and other papers.

8 (b) To supervise the making and examination of the
9 journal, and the handling of bills and resolutions.

10 (c) To deliver to the appropriate officers or offices,
11 as set forth in these rules during the session or at the
12 close of each session, the journal, bill books and
13 resolution books, and all copies of introduced and engrossed
14 bills and joint resolutions.

15 (d) To collect from the chairman or secretaries of all
16 standing committees, special committees, committees of the
17 whole, and conference committees, the minutes of such
18 committees and deliver them to the state historical society.

19 3-6. Journal clerks, bill clerks, typists, and other
20 employees responsible for legislative functions, except
21 secretaries for standing or special committees, secretaries
22 to presiding officers, and secretaries to majority and
23 minority floor leaders, are immediately responsible to the
24 secretary of the senate or the chief clerk of the house,
25 subject to the general supervision of the presiding officer.

1 Engrossing and enrolling clerks are immediately responsible
2 to the director of the Legislative Services Division of the
3 Legislative Council under the direction of the bills
4 committee.

5 3-7. The duties of the engrossing and enrolling clerks
6 are:

7 (a) To engross or enroll all bills delivered to them
8 within forty-eight hours after they have been received,
9 unless further time is granted, in writing, by the presiding
10 officer of the house in which the bill originated.

11 (b) To correct clerical errors, with the consent of
12 the secretary of the senate or chief clerk of the house of
13 representatives, in any bill originating in the house by
14 which they are employed. Clerical errors such as the
15 following may be corrected:

16 (i) errors in spelling

17 (ii) errors in numbering sections

18 (iii) adding or deleting underlining or lines through
19 matter to be stricken

20 (iv) material copied incorrectly from the most recent
21 Revised Codes of Montana.

22 The secretary of the senate or chief clerk of the house
23 shall obtain written permission from the principal sponsor
24 before such corrections are made.

25 When a committee is the sponsor of a bill, any member

1 thereof so designated by the chairman may be the principal
2 sponsor for the purpose of this section.

3 3-8. (1) The sergeants-at-arms are responsible to the
4 presiding officers of their respective houses. Their duties
5 are:

6 (a) To maintain order under the direction of the
7 presiding officer.

8 (b) To execute commands and serve all processes.

9 (c) To receive, distribute and have custody of
10 supplies.

11 3-9. The assistant sergeant-at-arms, doorkeepers,
12 watchmen, janitors, pages and other employees responsible
13 for general housekeeping functions are immediately
14 responsible to the sergeant-at-arms, subject to the general
15 supervision of the presiding officer.

16 3-10. The duties of the chaplain of each house are to
17 open each day's session with a prayer.

18 3-11. A legislative aide or legislative intern is a
19 person who has registered with the business manager and to
20 whom the business manager has issued a distinctive
21 identification form such as a name tag. The business
22 manager may issue such identification only upon receiving
23 written verification from a member that the person involved
24 is serving him as an aide or intern. A person may not
25 represent himself to be a legislative aide or intern unless

1 he carries such identification. The sergeants-at-arms and
2 doorkeepers shall enforce this rule.

3 No member may designate more than one aide or intern
4 without the approval of the Joint Rules Committee.

5 3-12. An employee, legislative aide or legislative
6 intern of either house is prohibited from lobbying as
7 defined in Section 43-802 (1), R.C.M. 1947. However, such
8 person may testify before a committee of either house on the
9 request of the committee. Any person violating this rule
10 shall be discharged.

11 3-13. Disputes or complaints involving the competency
12 or decorum of a legislative employee shall be referred to
13 the committee on legislative administration of the house by
14 which the employee is employed. The committee, in its
15 discretion, may dismiss, suspend or retain the employee.
16 The committee on legislative administration shall
17 periodically review the roster of employees and shall
18 dismiss surplus employees.

19 3-14. A Business manager shall be employed to serve
20 both the senate and house of representatives and shall be
21 under the supervision of the Joint Legislative
22 Administration Committee.

23 The duties of the business manager are as follows:

24 (1) Prior to a legislative session:

25 (a) order supplies for each house;

- 1 (b) requisition printing of:
- 2 (i) house and senate stationery,
- 3 (ii) all necessary report forms,
- 4 (iii) printout sheets for house and senate voting
- 5 machines, and
- 6 (iv) name plates for desks;
- 7 (c) inventory all interoffice forms and duplicate a
- 8 supply;
- 9 (d) clean all legislative committee rooms, offices, and
- 10 house and senate chambers and prepare them for the session;
- 11 (e) prepare recommendation to senate committee on
- 12 finance and claims and house committee on appropriations of
- 13 proposed budget based on past sessions and anticipated
- 14 expenditures;
- 15 (f) requisition rental of office equipment including
- 16 duplicating machines, adding machines and calculators;
- 17 (g) requisition parking permits;
- 18 (h) collect applications for employment of
- 19 legislative employees who are under the jurisdiction of the
- 20 legislative administration committees in both houses;
- 21 (i) supervise installation and connections of
- 22 legislative telephone services;
- 23 (j) assure that house and senate roll call and sound
- 24 systems are serviced;
- 25 (k) order name tags for each legislator;

- 1 (l) prepare packets for 1st legislative day including
- 2 printed rules, telephone directory and pencils;
- 3 (m) assign committee space and order necessary
- 4 committee signs for doors;
- 5 (n) verify guide service with General Services
- 6 Division;
- 7 (o) arrange for printing of seating charts;
- 8 (p) take responsibility and control of legislative
- 9 equipment and furniture.
- 10 (2) During the session:
- 11 (a) verify hours for daily payroll and prepare
- 12 payrolls for signature;
- 13 (b) prepare bimonthly financial report and
- 14 distribute the report to legislative leaders in each house
- 15 and to members of the senate committee on finance and claims
- 16 and house committee on appropriations;
- 17 (c) order office supplies as required;
- 18 (d) prepare all claims for payment.
- 19 (3) Following the session:
- 20 (a) provide Legislative Council with keys to all
- 21 legislative committee rooms during the interim;
- 22 (b) complete payroll forms and reports;
- 23 (c) prepare claims for bills incurred during session;
- 24 (d) take closing inventory of all furniture and
- 25 equipment and keep the written inventory on file.

1 4. Perform any other services for the leadership and
2 the committees on legislative administration.

3 CHAPTER 4

4 Order of Business

5 4-1. After prayer, roll call, and report on the
6 journal, the order of business of the senate and house of
7 representatives is as follows:

- 8 (1) Communications and petitions
- 9 (2) Reports of standing committees
- 10 (3) Reports of select committees
- 11 (4) Messages from the governor
- 12 (5) Messages from the other house
- 13 (6) Motions
- 14 (7) First reading and commitment of bills
- 15 (8) Second reading of bills (committee of the whole)
- 16 (9) Third reading of bills
- 17 (10) Unfinished business
- 18 (11) Special orders of the day
- 19 (12) Announcement of committee meetings

20 To revert to or pass to a new order of business
21 requires only a majority vote. Unless otherwise specified
22 in the motion to recess, the house involved shall revert to
23 order of business NO. 1 when reconvening after a recess.

24 CHAPTER 5

25 Motions

1 5-1. When a motion is made it shall be restated by the
2 presiding officer, and, if requested by the presiding
3 officer or a member, shall be reduced to writing and read
4 aloud. A motion may be withdrawn by the member making it at
5 any time before it is amended or voted upon.

6 5-2. When a question is under debate no motion may be
7 made except the following privileged and subsidiary motions
8 which have precedence in the order listed:

- 9 (1) To adjourn
- 10 (2) For a call of the house
- 11 (3) To recess
- 12 (4) Question of privilege
- 13 (5) To lay on the table
- 14 (6) For the previous question
- 15 (7) To postpone to a certain day
- 16 (8) To refer or commit
- 17 (9) To amend
- 18 (10) To postpone indefinitely.

19 A question may be indefinitely postponed by a majority
20 roll call vote of all members present and voting. When a
21 bill or resolution is postponed indefinitely, it is finally
22 rejected and may not be acted upon again during the biennium
23 except upon a motion of reconsideration made pursuant to
24 rule 5-4.

25 5-3. No motion or proposition on a subject different

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1 from that under consideration shall be admitted under color
2 of amendment or substitute.

3 5-4. Any member may, on the day the vote was taken or
4 on the next day the house in which the action was taken is
5 in session, move to reconsider the question. A motion to
6 reconsider may not be withdrawn after such next legislative
7 day without the unanimous consent of the house concerned,
8 and thereafter any member may call it up for consideration;
9 however, a motion to reconsider made after the fifty-fourth
10 day of the session shall be disposed of when made. A motion
11 to recall a bill from the other house constitutes notice to
12 reconsider, and shall be acted on as a motion to reconsider.
13 A motion to reconsider or to recall a bill from the other
14 house may be made only under order of business No. 6, and
15 under that order of business takes precedence over all
16 motions except motions to recess or adjourn.

17 5-5. When a motion to reconsider is laid on the table,
18 a two-thirds majority is required to take it from the table.
19 When a motion to reconsider fails, the question is finally
20 and conclusively settled.

21 5-6. (1) Except as provided in subsection (2) of this
22 rule, the effect of moving the previous question, if
23 adopted, is to close debate immediately, to prevent the
24 moving of amendments or other subsidiary motions, and to
25 bring to vote promptly the immediately pending main question

1 and the adhering subsidiary motions, whether on appeal or
2 otherwise.

3 (2) When the previous question is ordered on any
4 debatable question on which there has been no debate, the
5 question may be debated for one-half hour, one-half of such
6 time to be given to the proponents and one-half to the
7 opponents.

8 5-7. A call of the house is not in order after the
9 previous question is ordered, unless it appears upon an
10 actual count by the presiding officer that a quorum is not
11 present.

12 5-8. The following motions are not debatable:

- 13 (1) To adjourn
- 14 (2) For a call of the house
- 15 (3) To recess
- 16 (4) For parliamentary inquiry
- 17 (5) For suspension of the rules
- 18 (6) To lay on the table
- 19 (7) For the previous question
- 20 (8) To limit, extend the limits of, or to close debate
- 21 (9) To amend an undebatable motion
- 22 (10) To divide a question
- 23 (11) To pass business in committee of the whole
- 24 (12) To take from the table
- 25 (13) A decision of the presiding officer, unless

1 appealed or unless he submits the question to the house for
2 advice or decision

3 (14) All incidental motions, such as motions relating
4 to voting or other questions of a general procedural nature.

5 5-9. A member may move to divide a question if it
6 includes two or more propositions so distinct in substance
7 that if one thing is taken away a substantive question will
8 remain.

9 5-10. No more than one amendment and no more than one
10 substitute motion may be made to a motion. This rule
11 permits the main motion and two modifying motions.

12 CHAPTER 6

13 Bills and Resolutions

14 A.--Form of Bills--Definition of Resolutions--General
15 Provisions

16 6-1. The only types of instruments other than bills
17 which may be introduced in either house of the legislature
18 are:

19 (1) A simple resolution is a formalized motion passed
20 by one house only and bears the heading "House Resolution"
21 or "Senate Resolution". It may be used to amend the rules
22 of one house or to provide for the internal affairs of the
23 house adopting it. It does not require three readings or a
24 roll call vote. A member offering a simple resolution may
25 read it in his place before introduction. When a simple

1 resolution has been introduced, it shall be referred to a
2 committee. Final action shall be taken on the Committee of
3 the Whole report. The transmittal of copies of simple
4 resolutions is the responsibility of the chief clerk or
5 secretary of the house of origin.

6 A copy of every simple resolution is to be transmitted
7 after adoption to the secretary of state by the secretary of
8 the senate or chief clerk of the house.

9 (2) A joint resolution must be adopted by both houses
10 and is not approved by the governor. It may be used to
11 express desire, opinion, sympathy, or request of the
12 legislature; to amend the joint rules; to ratify or propose
13 amendments to the United States Constitution; and to direct
14 changes to, repeal, or direct adoption of, a rule in the
15 Montana Administrative Code. Except as otherwise provided
16 in these rules or the Constitution of the State of Montana,
17 a joint resolution is treated in all respects as a bill.

18 A copy of every joint resolution is to be transmitted
19 after adoption to the secretary of state by the secretary of
20 the senate or chief clerk of the house.

21 6-2. Bills shall be typewritten on paper eight and
22 one-half by eleven inches with 25 numbered lines, and shall
23 be introduced in quadruplicate. Pica type and a good black
24 ribbon must be used. Bills shall be numbered at the foot of
25 each page (except page one) and shall have white covers of a

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1 ~~substantial material.~~ In sections amending existing
 2 ~~statutes, matter to be stricken out shall be indicated with~~
 3 ~~a line through the words or part to be deleted, and new~~
 4 ~~matter shall be underlined.~~ Sections of the most recent
 5 ~~Revised Codes of Montana repealed or amended in a bill shall~~
 6 ~~be stated in the title except for general appropriation~~
 7 ~~bills and bills for the codification and general revision of~~
 8 ~~the laws. Introduced bills will be reproduced on white~~
 9 ~~paper and distributed to legislators.~~

10 6-3. No bill, except general appropriation bills, and
 11 bills for the codification and general revision of the laws,
 12 shall contain more than one subject, which shall be clearly
 13 expressed in the title. The enacting clause of every law
 14 shall be as follows: "Be it enacted by the legislature of
 15 the state of Montana".

16 A bill shall be used to propose amendments to the
 17 Constitution of the State of Montana and shall not be
 18 subject to the veto of the governor (Montana Constitution,
 19 Art. VI, Sec. 10(1)).

20 6-4. All appropriation bills shall originate in the
 21 House of Representatives.

22 The general appropriation bills shall embrace nothing
 23 but appropriations for the ordinary expenses of the
 24 legislative, executive and judicial departments of the
 25 state, interest on public debt and for public schools. All

1 other appropriations shall be made by separate bills, each
 2 embracing but one subject (Montana Constitution, Art. V,
 3 Sec. 11 (4)). Appropriation bills for the operation of the
 4 legislature shall be introduced by the chairman of the house
 5 committee on appropriations.

6 6-5. Every statute, unless a different time is
 7 prescribed therein, takes effect on the first day of July of
 8 the year of its passage and approval. Every joint
 9 resolution, unless a different time is prescribed therein,
 10 takes effect from its passage (Sections 43-507 and 43-509,
 11 R.C.M. 1947).

12 B.--Introduction

13 6-6. Bills will be checked by the staff of the Legal
 14 Services Division of the Legislative Council prior to
 15 consideration by a committee of the legislature, for proper
 16 format, style, and legal form. A stamp shall be affixed to
 17 the bill cover and initialed indicating this review. If
 18 such stamp is not affixed at the time the bill is delivered
 19 to the appropriate committee chairman; the chairman shall
 20 cause the bill to be transmitted to the Legal Services
 21 Division for such review. Members should make every effort
 22 to present proposed bills to the Division in advance of
 23 introduction of the bill. Bills will be entered on the
 24 automated bill drafting equipment and typed to facilitate a
 25 more rapid reproduction. If a bill is not so entered prior

1 to introduction, it will not be considered by any committee
2 until it has been so entered.

3 A bill may be introduced by endorsing it with the name
4 of a member or committee and presenting it to the chief
5 clerk or secretary in quadruplicate. Bills, joint
6 resolutions, and simple resolutions shall be numbered
7 consecutively in each session of the legislature in separate
8 series in the order of their receipt.

9 Any bill PROPOSED BY A LEGISLATIVE COMMITTEE OR
10 introduced by request of an administrative or executive
11 agency or department shall be so indicated following the
12 names of the sponsors, "By Request of _____ (Name
13 of Agency OR COMMITTEE)".

14 Bills may be prefiled, numbered and preprinted prior to
15 a legislative session. This will be the responsibility of
16 the staff of the Legislative Council. Actual signatures may
17 appear on the face of the prefiled bill or signatures may be
18 obtained on a consent form from the Legislative Council.
19 Additional sponsors may be added at the time of introduction
20 on the first legislative day, on motion of the chief
21 sponsor. These names will be forwarded to the Legislative
22 Council to be included on the face of the bill following
23 standing committee approval.

24 All prefiled bills will be made available to the
25 public.

1 6-7. Bills may be introduced until 5 p.m. on the
2 eighteenth legislative day, except revenue bills and
3 appropriation bills.

4 All bill drafting requests must be submitted to the
5 Legislative Council staff by 5 p.m. of the fourteenth
6 legislative day. A sponsor of a bill drafted pursuant to a
7 timely request, but which is not delivered by the eighteenth
8 day by the Legislative Council, shall have forty-eight hours
9 after delivery to introduce the bill. No other bills except
10 revenue and appropriation bills may be introduced after 5
11 p.m. on the eighteenth legislative day.

12 Revenue bills must be introduced by 5 p.m. on the
13 twenty-fifth legislative day. There is no time limit for
14 introduction of appropriation bills.

15 Joint Resolutions affecting rules adopted in the
16 Montana Administrative Code may be introduced and
17 transmitted at any time during a session.

18 6-8. No bill may be introduced or received in a house
19 after that house has finally rejected a bill during that
20 session designed to accomplish the same purpose save upon
21 approval by the rules committee of the house in which the
22 bill is offered for introduction or reception.

23 Failure to override a veto does not constitute final
24 rejection.

25 6-9. At least three-fourths of a standing committee

1 ~~must~~ consent to the introduction of a committee bill.

2 C.--First Reading and Commitment

3 6-10. No motion affecting a bill is in order on its
4 first reading except as provided in Joint Rule 6-6.

5 Upon introduction or reception of a bill, the chief
6 clerk of the house or the secretary of the senate shall
7 publicly post upon a listing that bill by a summary of its
8 title in the house of origin and by a summary of its title
9 and by its history in the second house, together with a
10 notation of the committee to which it has been assigned, and
11 such posting shall constitute the first reading of the bill.

12 6-11. No bill shall be considered or become a law
13 unless referred to a committee and returned therefrom.

14 6-12. Upon introduction or reception of a bill, it
15 shall be referred to a committee by the presiding officer.

16 6-13. A bill may be recommitted at any time before its
17 passage.

18 D.--Amendments and Substitute Bills

19 6-14. No law shall be revised or amended, or the
20 provisions thereof extended by reference to its title only,
21 but so much thereof as is revised, amended or extended shall
22 be reenacted and published at length.

23 6-15. No law shall be passed except by bill, and no
24 bill shall be so altered or amended on its passage through
25 either house as to change its original purpose (Montana

1 Constitution Art. V., Sec. 11(1)).

2 6-16. A committee may recommend that every clause in a
3 bill be changed and that entirely new matter be substituted
4 so long as the new matter is relevant to the title and
5 subject of the original bill. A substitute bill shall be
6 considered as an amendment and not as a new bill.

7 6-17. The proper form of reporting a substitute bill by
8 a committee is to propose amendments to strike out all of
9 the bill following the enacting clause and to substitute the
10 new bill, recommending also any necessary changes in the
11 title. If a committee report recommending a substitute for
12 a bill originating in the other house is adopted, the
13 substitute bill shall be printed.

14 6-18. Amendments to a bill by the second house shall
15 not be further amended by the house in which the bill
16 originated, but must either be accepted or rejected. If the
17 amendments are rejected, a conference committee may be
18 requested by the house in which the bill originated.

19 6-19. If a majority of a house recommends the passage
20 of a bill originating in that house after it has been
21 returned from a committee, not less than six hundred copies
22 of the bill shall be printed on canary paper with all
23 amendments incorporated into the printed copies. Bills
24 referred to the bills committee of the house of origin for
25 printing must be reported within three days unless further

1 time is granted by that house.

2 E.--Engrossing and Enrolling

3 6-20. When a bill has been reported favorably by
4 committee of the whole of the house of origin and the report
5 has been adopted, the bill shall be engrossed under the
6 direction of the bills committee, and when reported
7 correctly engrossed by the committee shall be placed on the
8 calendar for third reading on the succeeding legislative
9 day. Committee of the whole amendments shall be included in
10 the engrossed bill. Copies of the engrossed bill to be
11 distributed to legislators will be reproduced on blue paper.
12 If a bill is unamended, contains no clerical errors, and is
13 neatly written, it may be engrossed without retyping.

14 If a bill is amended by the standing committee or
15 committee of the whole in the second house, the amendments
16 will be included in a "reference" bill and distributed in
17 the second house for third reading consideration. The
18 amendments will also be reproduced and attached to the
19 reference bill. If the bill passes on third reading, copies
20 of the reference bill and second house amendments will be
21 distributed in the original house.

22 6-21. When a bill has passed both houses it shall be
23 enrolled by the Legislative Services Division of the
24 Legislative Council as an act of the legislature under the
25 direction of the bills committee of the house of origin. An

1 original and three duplicate typewritten copies of the bill
2 shall be enrolled, free from all corrections and errors,
3 with a margin of two inches at the top and one inch on each
4 side, with twenty-five unnumbered lines to the page. In
5 sections amending existing statutes new matter shall be
6 underlined, and matter stricken with a line through it shall
7 be omitted. The typewriting shall be done with a black
8 record ribbon, pica type, on paper 8-1/2 inches wide and 11
9 inches long. The original and two copies only of the bill
10 shall be red lined. The history of the bill shall also be
11 enrolled and placed in back of the bill in a white
12 manuscript cover, upon which is written the number of the
13 bill and the title.

14 When the enrolling has been completed, the bill shall
15 be examined by the author and the bills committee and
16 reported correctly enrolled.

17 The correctly enrolled bill shall be delivered to the
18 presiding officer of the house in which the bill originated.
19 The presiding officer shall announce from the rostrum, the
20 announcement to be entered in the journal, the specific
21 bills to be signed by him and shall designate a time when
22 such bill shall be signed, and he shall sign the original
23 and two copies of each bill delivered to him not later than
24 the next legislative day after it has been reported
25 correctly enrolled, unless the bill is delivered on the last

1 legislative day in which event it shall be signed that day.
 2 The fact of signing shall be entered upon the journal no
 3 later than the next legislative day. At any time after the
 4 report of a bill correctly enrolled and before the signing,
 5 if a member signifies his desire to examine the bill, he
 6 shall be permitted to do so. The bill shall then be
 7 transmitted to the other house where the same procedure
 8 shall be followed.

9 The original and two copies signed by the presiding
 10 officer of each house shall be presented by the bills
 11 committee to the governor. The bills committee shall take a
 12 receipt from the governor and shall report to the house the
 13 day and hour of such presentation, which shall be entered in
 14 the journal. The original and the unsigned copy shall be
 15 filed with the secretary of state. Signed copies with
 16 chapter numbers assigned pursuant to Section 82-2209, shall
 17 be filed with the clerk of the supreme court and the
 18 Legislative Services Division of the Legislative Council.

19 F.--Second Reading--Committee of the Whole

20 6-22. All bills which have been reported by a
 21 committee, accepted by the house concerned and printed,
 22 shall be posted on the calendar for consideration by
 23 committee of the whole. The sergeants-at-arms of the
 24 respective houses shall record the time each bill is
 25 received and the time the bill is placed on members' desks.

1 Until the fiftieth legislative day, one day must elapse
 2 between the time a committee approved bill is placed on the
 3 members' desks and consideration by committee of the whole.
 4 Bills shall be arranged on the calendar in numerical order
 5 unless they are companion bills or are otherwise ordered by
 6 the house or committee of the whole of the house concerned.
 7 6-23. Every bill considered in committee of the whole
 8 shall be read by a summary of its title and by its history
 9 and considered section by section.

10 6-24. Prior to adoption of a committee of the whole
 11 report, a member may move to segregate a bill. If the
 12 motion prevails, the bill remains on second reading.

13 6-25. When a committee of the whole report on a bill is
 14 rejected the bill shall remain on second reading.

15 6-26. Either house may resolve itself into a committee
 16 of the whole by approval of a motion for that purpose. So
 17 far as may be applicable, the rules governing each house
 18 shall be observed when that house resolves itself into a
 19 committee of the whole, except as follows:

20 (1) The only motions in order are: to amend; to
 21 recommend passage or nonpassage; to recommend concurrence or
 22 nonconcurrence; to indefinitely postpone; to pass
 23 consideration; to rise; to rise and report; and to rise and
 24 report progress and ask leave to sit again.

25 (2) The committee may not appoint subcommittees.

1 (3) The committee may not punish its members for
2 misconduct, but may report disorder to the house concerned.

3 (4) Unless otherwise prescribed by either house before
4 going into committee of the whole, a member may speak as
5 often as he is recognized and for as long each time as is
6 allowed in debate in the particular house.

7 6-27. After a committee of the whole has been formed,
8 the presiding officer shall appoint a chairman to preside.
9 Upon resuming the chair, the presiding officer shall receive
10 the report of the chairman of the committee and the house
11 shall take action on the report.

12 G.--Third Reading--Governor's Veto

13 6-28. No bill shall become a law except by vote of a
14 majority of all the members present in each house, nor
15 unless on its final passage the vote be taken by ayes and
16 noes, and the names of those voting be entered on the
17 journal (Montana Constitution, Art. V, Sec. 11(1) and (2)).

18 ANY VOTE IN ONE HOUSE ON A BILL PROPOSING AN AMENDMENT
19 TO THE MONTANA STATE CONSTITUTION WHERE THE MATHEMATICAL
20 POSSIBILITY EXISTS OF OBTAINING THE NECESSARY TWO-THIRDS
21 (2/3) VOTE OF THE LEGISLATURE WILL CAUSE THE BILL TO
22 PROGRESS AS THOUGH IT HAD RECEIVED THE MAJORITY VOTE.

23 6-29. Every bill shall be read three times prior to
24 passage, either by title or by summary of title as provided
25 in these rules. The first reading shall be as prescribed in

1 Joint Rule 6-10; the second prior to debate in committee of
2 the whole; and the third, which shall be by complete title,
3 prior to final passage. No bill shall receive more than one
4 reading on the same day except on the last legislative day.
5 No amendment may be offered on the third reading.

6 6-30. (1) Each bill passed by the legislature, except
7 bills proposing amendments to the Montana Constitution,
8 bills ratifying proposed amendments to the United States
9 Constitution, resolutions, and referendum measures of the
10 legislature, shall be submitted to the governor for his
11 signature. If he does not sign or veto the bill within five
12 days after its delivery to him if the legislature is in
13 session or within 25 days if the legislature is adjourned,
14 it shall become a law. The governor shall return a vetoed
15 bill to the legislature with a statement of his reasons
16 therefor.

17 (2) The governor may return any bill to the
18 legislature with his recommendation for amendment. If the
19 legislature passes the bill in accordance with the
20 governor's recommendation, it shall again return the bill to
21 the governor for his reconsideration. The governor shall
22 not return a bill for amendment a second time.

23 (3) If after receipt of a veto message, two-thirds of
24 the members present approve the bill, it shall become law.

25 (4) If the legislature is not in session when the

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1 governor vetoes a bill, he shall return the bill with his
2 reasons therefor to the legislature as provided by law. The
3 legislature may reconvene to reconsider any bill so vetoed.

4 (5) The governor may veto items in appropriation
5 bills, and in such instances the procedure shall be the same
6 as upon veto of an entire bill (Montana Constitution, Art.
7 VI, Sec. 10).

8 6-31. Upon receipt of a veto message the presiding
9 officer shall read the message. After the reading a member
10 may move that the governor's veto shall be overridden. A
11 vote on the motion shall be determined by roll call. If
12 two-thirds of the members present vote "aye" the veto is
13 overridden. If two-thirds of the members present do not
14 vote "aye" the veto is sustained.

15 6-32. If the governor returns a bill to the originating
16 house with his recommendations for amendment, such house
17 shall reconsider the bill under its rules relating to
18 amendment offered in committee of the whole. The bill is
19 then subject to the following procedures:

20 (a) The originating house shall transmit to the second
21 house, for consideration under its rules relating to
22 amendments in committee of the whole, the bill and the
23 originating house's approval or disapproval of the
24 governor's recommendations.

25 (b) If both houses approve the governor's

1 recommendations the bill shall be returned to the governor
2 for his reconsideration.

3 (c) If both houses disapprove the governor's
4 recommendations the bill shall be returned to the governor
5 for his reconsideration.

6 (d) If one house disapproves the governor's
7 recommendations and the other house approves, then either
8 house may request a conference committee which may be a free
9 conference committee.

10 (i) If both houses adopt a conference committee
11 report, the bill in accordance with the report shall be
12 returned to the governor for his reconsideration.

13 (ii) If a conference committee fails to reach agreement
14 or if its report is not adopted by both houses the
15 governor's recommendations shall be considered not approved
16 and the bill shall be returned to the governor for further
17 consideration.

18 H.--Transmittal of Bills

19 6-33. Each house shall transmit to the other with any
20 bill all relevant papers. When a house bill is transmitted
21 from the house of representatives to the senate, the
22 secretary of the senate shall give a dated receipt for the
23 bill to the chief clerk of the house. When a senate bill is
24 transmitted to the house of representatives, the chief clerk
25 of the house shall give a dated receipt to the secretary of

1 the senate.

2 6-34. No bills, except for appropriation bills,
3 revenue bills and amendments considered by joint committee
4 need to be acted upon (save for reference to a committee by
5 the presiding officer) if transmitted from one house to the
6 other after the forty-fifth legislative day, but shall be
7 held pending in the house to which it is transmitted unless
8 two-thirds of the members present and voting shall determine
9 that the bill shall be acted upon. Amendments, except to
10 appropriation bills and revenue bills, shall likewise be
11 deferred for consideration if transmitted after the
12 fifty-fifth legislative day thereof.

13 Appropriation and revenue bills shall be transmitted
14 from the original house on or before the fiftieth day unless
15 two-thirds of the members present and voting in the
16 receiving house shall determine that the bill may be
17 transmitted after the fiftieth day.

18 6-35. When a bill has received its third reading or has
19 been rejected, the house that considered the bill shall
20 immediately transmit it to the other house with notice of
21 its action.

22 6-36. All bills reported out of a committee of the
23 legislature having an effect on the revenues, expenditures,
24 or fiscal liability of the state, except appropriation
25 measures carrying specific dollar amounts, shall include a

1 fiscal note incorporating an estimate of such effect. The
2 Legislative Council staff shall indicate at the top of each
3 bill prepared for introduction that a fiscal note may be
4 necessary under this rule. Fiscal notes shall be requested
5 by the presiding officer of either house, who shall
6 determine the need for the note at the time of introduction,
7 based on the Legislative Council staff recommendation.

8 The state budget director, in cooperation with the
9 agency or agencies affected by the bill, is responsible for
10 the preparation of the fiscal note and shall return the same
11 within six (6) days, unless further time is granted by the
12 presiding officer or committee making the request based upon
13 a written statement from the budget director that additional
14 time is necessary to properly prepare the note.

15 A completed fiscal note shall be submitted by the
16 budget director to the presiding officer who requested it,
17 who shall refer it to the committee considering the bill.
18 All fiscal notes shall be printed and placed on the members'
19 desks.

20 Fiscal notes shall, where possible, show in dollar
21 amounts the estimated increase or decrease in revenues or
22 expenditures, costs which may be absorbed without additional
23 funds, and long-range financial implications. No comment or
24 opinion relative to merits of the bill shall be included;
25 however, technical or mechanical defects may be noted.

1 A fiscal note also may be requested on a bill and on an
2 amendment by

- 3 (1) a committee considering the bill, or
4 (2) a majority of the members of the house in which
5 the bill is to be considered, at the time of second reading,
6 or
7 (3) the chief sponsor through the presiding officer.

8 The budget director shall make available on request to
9 any member of the legislature all background information
10 used in developing a fiscal note (Sections 43-1001 through
11 43-1006, R.C.M. 1947).

12 CHAPTER 7

13 Committees

14 7-1. (1) The committee on legislative administration
15 of each house shall consider all matters concerned with
16 seating, mileage and per diem, legislative employees, the
17 control of the legislative property, and the budgeting for
18 and expenditure of appropriations for the operation of the
19 legislature, in cooperation with the business manager.

20 (2) All expenditures of money appropriated for the
21 operation of the legislature must be approved by the
22 committee on finance and claims in the senate or the
23 committee on appropriations in the house.

24 7-2. A standing committee shall submit a written report
25 in triplicate on all bills or matters referred to it within

1 7 days after reference, unless at the request of the
2 committee and for good cause shown, further time is granted
3 by the house concerned.

4 7-3. If the members of a committee cannot agree on a
5 report, the majority and minority of the committee present
6 at a committee meeting may submit separate reports. Only
7 one minority report may be submitted. Such reports shall be
8 entered at length on the journal, unless otherwise ordered
9 by the house concerned.

10 7-4. All committees shall keep minutes of their
11 meetings and, at the close of the session, shall make five
12 complete copies and shall turn the original of the minutes
13 over to the chief clerk of the house or secretary of the
14 senate for delivery to the historical society. The majority
15 and minority leader of each house and the Legislative
16 Council shall each be given one copy of the minutes.

17 7-5. The committee on bills and journal, the rules
18 committee, and conference committees may report at any time,
19 except during a call of the house or when a vote is being
20 taken. Reports from the bills and journal committee shall
21 stand approved without formal action.

22 7-6. All bills providing for an appropriation of
23 public moneys may first be considered by a joint committee
24 composed of the members of the senate committee on finance
25 and claims and the house committee on appropriations, and

1 then by each separately. Meetings of the joint committee
2 shall be held upon call of the chairman of the house
3 committee on appropriations who shall be chairman of the
4 joint committee.

5 7-7. The chairman of each committee has general control
6 and direction of the hall and committee room of the
7 committee over which he presides, subject to the control of
8 the presiding officer under rule 1-3. Except as provided in
9 Joint Rule 7-6, the chairman of the senate committee shall
10 be chairman of all joint committees.

11 7-8. If either house requests a conference and appoints
12 a committee for the purpose of discussing an amendment on
13 which the senate and the house of representatives cannot
14 agree, the other house shall appoint a committee consisting
15 of the same number of members. They shall meet at a
16 convenient time, to be agreed upon by their chairman, and
17 having conferred, shall report to their respective houses
18 the result of their conference. A conference committee
19 shall confine itself to the disputed amendment.

20 If either house requests a free conference committee
21 and the other house concurs, appointments will be made the
22 same as above. A free conference committee may discuss a
23 bill in its entirety and is not confined to a particular
24 amendment.

25 7-9. In joint committees other than conference

1 committees, members vote individually and not by houses.
2 Because conference committees are joint meetings of separate
3 committees, in conference committees the committees from
4 each house vote separately, and a majority of each committee
5 must agree before any action may be taken.

6 7-10. When a conference committee report is filed
7 with the secretary or clerk the same shall be read
8 under order of business No. 3, select committees, and
9 placed on the calendar for consideration on second
10 reading. If recommended favorably by the committee of
11 the whole, it may be considered on third reading the same
12 legislative day. On the final legislative day a
13 conference committee report shall be placed on the
14 calendar for immediate consideration on second reading
15 and shall be further considered on third reading the
16 same legislative day.

17 CHAPTER 8

18 Rules and Journal

19 8-1. Each house shall keep a journal of its
20 proceedings, and may, in its discretion, from time to time,
21 publish the same, and the ayes and noes on any question
22 shall, at the request of any two members, be entered on the
23 journal.

24 8-2. The proceedings of each house which shall be
25 entered on its journal include:

1 (1) the title and number of each bill when it is
2 introduced; subsequent references may be by number only;

3 (2) every motion and the name of the member making it;

4 (3) proposed constitutional amendments which have been
5 voted for by two-thirds of the members (Montana
6 Constitution, Art. XIV, Sec. 8);

7 (4) committee reports;

8 (5) roll call votes;

9 (6) messages from the governor and the other house;

10 (7) an entry of the oath taken by the members (Sec.
11 43-209, R.C.M. 1947).

12 8-3. The bills and journal committee of each house
13 shall supply the director of the Legislative Services
14 Division of the Legislative Council with the contents of the
15 daily journal to be programmed on automated equipment,
16 examine its journal, distribute a daily journal to all
17 legislators, correct any errors, and report each legislative
18 day immediately after roll call.

19 8-4. The journal of the senate must be authenticated by
20 the signature of the president, and the journal of the house
21 of representatives by the signature of the speaker. The
22 distribution of the completed journals shall be made by the
23 Legislative Services Division of the Legislative Council
24 (Sec. 43-304, R.C.M. 1947).

25 8-5. (1) A joint rule may be repealed or amended only

1 with the concurrence of both houses, under the procedures
2 adopted by each house for the repeal or amendment of its own
3 rules.

4 (2) A joint rule governing the procedure for handling
5 bills may be temporarily suspended by the consent of
6 two-thirds of the members of either house, insofar as it
7 applies to the house suspending it.

8 (3) Any rules committee report recommending a change
9 in joint rules shall be referred to the other house for
10 concurrent action. Any new rule or any change in the rules
11 of either house shall be transmitted to the other house for
12 informational purposes.

13 8-6. Mason's Manual of Legislative Procedure governs
14 the proceedings of the senate and house of representatives
15 in all cases not covered by these rules.

16 8-7. The Legislative Council shall codify and publish
17 in one volume the rules of the senate, the rules of the
18 house of representatives and the joint rules of the senate
19 and house of representatives. Upon adoption, the secretary
20 of the senate and the chief clerk of the house of
21 representatives shall provide the office of the Legislative
22 Council with one copy of all motions or resolutions amending
23 senate, house or joint rules, and with copies of all minutes
24 and reports of the rules committees. After the rules have
25 been published, the Legislative Council shall distribute

1 copies as directed by the senate and house of
2 representatives.

3 8-8. Pursuant to the authority established in sections
4 43-901 through 43-904, the following fee schedule is
5 established for the legislative proceedings:

6 One complete set of the proceedings of any regular
7 session, \$200; an additional \$75 is required for mailing by
8 first-class mail; an additional \$100 is required for airmail
9 delivery.

10 One complete set of the proceedings of any special
11 session, \$25.

12 Single copies of bills, resolutions or amendments may
13 be purchased according to the length of the document as
14 follows:

15	1-15 pages.....	\$.25
16	16-40 pages.....	\$.50
17	41-100 pages.....	\$.75
18	101-200 pages.....	\$1.00
19	Over 200 pages.....	\$2.00
20	Single copies of status sheets, status	
21	of proceedings, indices.....	\$.10
22	Copies of enacted bills.....	cost of
23		reproduction.

24 CHAPTER 9
25 Voting Procedure

1 9-1. Except as provided in Joint Rule 9-2, every member
2 present when a question is put shall vote unless the house
3 of which he is a member excuses him.

4 9-2. A member who has a personal or private interest in
5 any measure or bill proposed or pending before the
6 legislature shall disclose the fact to the house of which he
7 is a member, and shall not vote thereon.

8 9-3. Amendments to the constitution may be proposed by
9 any member of the legislature. If adopted by an affirmative
10 roll call vote of two-thirds of all the members of the
11 legislature, the amendment shall be deemed approved by the
12 legislature (Montana Constitution, Art. XIV, Sec. 8).

13 9-4. When a measure requiring the concurrence of
14 two-thirds of the members is under consideration, a majority
15 vote is sufficient to decide any question relating to the
16 measure short of third reading.

17 9-5. A roll call vote shall be taken on the request of
18 two members.

19 9-6. On a roll call vote the names of the members shall
20 be called alphabetically, unless an electrical voting system
21 is used. A member may not vote or change his vote after the
22 decision is announced from the chair. A member may not
23 explain his vote until after the decision is announced from
24 the chair.

25 9-7. (1) On third reading the question shall be stated

1 as follows: "Senate (or house) bill number _____ having
2 been read three several times, the question is, shall the
3 bill pass (or be concurred in)."

4 (2) If an electrical voting system is used the
5 presiding officer shall ring the bell after stating the
6 question and then state "Those in favor vote yea and those
7 opposed vote no." After a reasonable pause the presiding
8 officer asks "Has every member voted?" (reasonable pause)
9 "Does any member wish to change his or her vote?"
10 (reasonable pause) "The clerk (secretary) will now record
11 the vote."

12 9-8. Two members may pair on a measure that will be
13 determined by a majority vote. On a measure requiring a
14 two-thirds vote for adoption three members may pair, with
15 two members for the measure and one member against. Pairing
16 is permitted only when one of the paired members is absent
17 when the vote is taken.

18 9-9. An agreement to pair must be in writing and dated
19 and signed by the members agreeing to be bound, and must
20 specify the duration of the pair. When an agreement to pair
21 is filed with the secretary of the senate or chief clerk of
22 the house of representatives, it shall bind the members
23 signing until the expiration of time for which it was
24 signed, unless the paired members sooner appear and ask that
25 the agreement be cancelled.

1 9-10. Every vote of each member of the legislature on
2 each substantive question in the legislature, in any
3 committee, or in committee of the whole shall be recorded
4 and made public. On final passage of any bill or joint
5 resolution the vote shall be taken by ayes and noes and the
6 names entered on the journal. A roll call vote shall be
7 taken on non-substantive questions on the request of two
8 members, who may likewise on any vote, request that the ayes
9 and noes be spread upon the journal. Roll call votes and
10 other votes which are to be made public but are not
11 specifically required to be spread upon the journal shall be
12 entered in the minutes of the appropriate committee or of
13 the appropriate house and a copy of such minutes shall be
14 filed with the Montana state historical society (Montana
15 Constitution, Art. V, Sec. 11(2)).

-End-