


1 *Senate* JOINT RESOLUTION NO. 1 - 

2 INTRODUCED BY *Murphy STEPHENS* -----

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. Reporters

5 on assignment in either house are subject to placement by

6 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 than

10 once on an appeal without the consent of a majority of the

11 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 affecting

25 the collective rights, safety, dignity, and integrity of the

1 proceedings of either house; and second, those affecting the
 2 rights, reputation and conduct of individual members of
 3 either house in their capacity as members. A question of
 4 privilege affecting either house collectively takes
 5 precedence over a question of privilege affecting an
 6 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 cosign 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 and
 14 a member objects, it shall be determined by a vote of the
 15 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

1 2-1. The hour of meeting of the Senate is 1:30 p.m.
 2 unless otherwise ordered by the Senate. The hour of meeting
 3 of the House of Representatives is 1:30 p.m. unless
 4 otherwise ordered by the house.
 5

6 2-2. Lobbying on the floor of the Senate or House of
 7 Representatives is prohibited during the session and within
 8 one hour prior to the commencement of a session and within
 9 one-half hour after recess or adjournment.
 10

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 ordered
19 no motion is in order except a motion to adjourn or remove
20 the call. The call may be removed by a two-thirds vote.

21 2-11. If either house is in session upon a given day,
22 whether or not the other house is in session, that day shall
23 constitute a legislative day.

24 CHAPTER 3

25 Legislative Employees

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

8 3-2. Except as provided in Joint Rule 3-3 and Joint
9 Rule 3-4, the business manager, subject to the supervision
10 of the Legislative Council and subject to the approval of
11 the respective houses, shall be responsible for personnel.

12 3-3. The committee on legislative administration of
13 each house shall appoint secretaries for standing or special
14 committees on recommendation of the committee chairman,
15 subject to the approval of the respective houses. A
16 secretary for a standing or special committee is immediately
17 responsible to the committee chairman, but when not occupied
18 with the duties of a committee, shall work under the
19 direction of the chief stenographer of each house. The
20 director of the Legislative Services Division of the
21 Legislative Council shall hire all engrossing and enrolling
22 typists and proofreaders.

23 3-4. The presiding officer and the majority and
24 minority floor leader of each house may each appoint a
25 private secretary.

1 3-5. The secretary of the Senate and chief clerk of the
2 House of Representatives are responsible to the presiding
3 officers of their respective houses. Their duties are:

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

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

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

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

17 3-6. Journal clerks, bill clerks, typists, and other
18 employees responsible for legislative functions, except
19 secretaries for standing or special committees, secretaries
20 to presiding officers, and secretaries to majority and
21 minority floor leaders, are immediately responsible to the
22 secretary of the Senate or the chief clerk of the House,
23 subject to the general supervision of the presiding officer.
24 Engrossing and enrolling clerks are immediately responsible
25 to the director of the Legislative Services Division of the

1 Legislative Council under the direction of the bills
2 committee.

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

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

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

14 (i) errors in spelling

15 (ii) errors in numbering sections

16 (iii) adding or deleting underlining or lines through
17 matter to be stricken

18 (iv) material copied incorrectly from the most recent
19 Revised Codes of Montana.

20 The secretary of the Senate or chief clerk of the House
21 shall obtain written permission from the principal sponsor
22 before such corrections are made.

23 When a committee is the sponsor of a bill, any member
24 thereof so designated by the chairman may be the principal
25 sponsor for the purpose of this section.

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

4 (a) To maintain order under the direction of the
5 presiding officer.

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

7 (c) To receive, distribute and have custody of
8 supplies.

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

14 3-10. The duties of the chaplain of each house are to
15 open each day's session with a prayer.

16 3-11. A legislative aide or legislative intern is a
17 person who has registered with the business manager and to
18 whom the business manager has issued a distinctive
19 identification form such as a name tag. The business manager
20 may issue such identification only upon receiving written
21 verification from a member that the person involved is
22 serving him as an aide or intern. A person may not represent
23 himself to be a legislative aide or intern unless he carries
24 such identification. The sergeants-at-arms and doorkeepers
25 shall enforce this rule.

1 Qualifications for legislative interns are specified in
2 Section 43-720 through 43-731, R.C.M. 1947. Legislative
3 aides must be of legal age.

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

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

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

20 3-14. A business manager, under the supervision of the
21 Legislative Council, shall serve both the Senate and House
22 of Representatives.

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,
 10 and House and Senate chambers and prepare them for the
 11 session;
 12 (e) prepare recommendation to Senate Committee on
 13 Finance and Claims and House Committee on Appropriations of
 14 proposed budget based on past sessions and anticipated
 15 expenditures;
 16 (f) requisition rental of office equipment including
 17 duplicating machines, adding machines and calculators;
 18 (g) requisition parking permits;
 19 (h) collect applications for employment of legislative
 20 employees who are under the jurisdiction of the legislative
 21 administration committees in both houses;
 22 (i) supervise installation and connections of
 23 legislative telephone services;
 24 (j) assure that House and Senate roll call and sound
 25 systems are serviced;

1 (k) order name tags for each legislator;
 2 (l) prepare packets for first legislative day
 3 including printed rules, telephone directory and pencils;
 4 (m) assign committee space and order necessary
 5 committee signs for doors;
 6 (n) verify guide service with Legislative Council;
 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 distribute
 14 the report to legislative leaders in each house and to
 15 members of the Senate Committee on Finance and Claims and
 16 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 3-15. Contracts for purchase or lease of equipment and
4 supplies made by the business manager during the legislative
5 session shall be made on the approval of the committee on
6 legislative administration of each house, subject to the
7 review of the presiding officer of the respective house.

8 CHAPTER 4

9 Order of Business

10 4-1. After prayer, roll call, and report on the
11 journal, the order of business of the Senate and House of
12 Representatives is as follows:

- 13 (1) Communications and petitions
- 14 (2) Reports of standing committees
- 15 (3) Reports of select committees
- 16 (4) Messages from the governor
- 17 (5) Messages from the other house
- 18 (6) Motions
- 19 (7) First reading and commitment of bills
- 20 (8) Second reading of bills (committee of the whole)
- 21 (9) Third reading of bills
- 22 (10) Unfinished business
- 23 (11) Special orders of the day
- 24 (12) Announcement of committee meetings
- 25 To revert to or pass to a new order of business

1 requires only a majority vote. Unless otherwise specified in
2 the motion to recess, the house involved shall revert to
3 order of business No. 1 when reconvening after a recess.

4 CHAPTER 5

5 Motions

6 5-1. When a motion is made it shall be restated by the
7 presiding officer, and, if requested by the presiding
8 officer or a member, shall be reduced to writing and read
9 aloud. A motion may be withdrawn by the member making it at
10 any time before it is amended or voted upon.

11 5-2. When a question is under debate no motion may be
12 made except the following privileged and subsidiary motions
13 which have precedence in the order listed:

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

24 A question may be indefinitely postponed by a majority
25 roll call vote of all members present and voting. When a

1 bill or resolution is postponed indefinitely, it is finally
 2 rejected and may not be acted upon again during the biennium
 3 except upon a motion of reconsideration made pursuant to
 4 Rule 5-4.

5 5-3. No motion or proposition on a subject different
 6 from that under consideration shall be admitted under color
 7 of amendment or substitute.

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

22 5-5. When a motion to reconsider is laid on the table,
 23 a two-thirds majority is required to take it from the table.
 24 When a motion to reconsider fails, the question is finally
 25 and conclusively settled.

1 5-6. (1) Except as provided in subsection (2) of this
 2 rule, the effect of moving the previous question, if
 3 adopted, is to close debate immediately, to prevent the
 4 moving of amendments or other subsidiary motions, and to
 5 bring to vote promptly the immediately pending main question
 6 and the adhering subsidiary motions, whether on appeal or
 7 otherwise.

8 (2) When the previous question is ordered on any
 9 debatable question on which there has been no debate, the
 10 question may be debated for one-half hour, one-half of such
 11 time to be given to the proponents and one-half to the
 12 opponents.

13 5-7. A call of the house is not in order after the
 14 previous question is ordered, unless it appears upon an
 15 actual count by the presiding officer that a quorum is not
 16 present.

17 5-8. The following motions are not debatable:

- 18 (1) To adjourn
- 19 (2) For a call of the house
- 20 (3) To recess
- 21 (4) For parliamentary inquiry
- 22 (5) For suspension of the rules
- 23 (6) To lay on the table
- 24 (7) For the previous question
- 25 (8) To limit, extend the limits of, or to close debate

- 1 (9) To amend an undebatable motion
 2 (10) To divide a question
 3 (11) To pass business in committee of the whole
 4 (12) To take from the table
 5 (13) A decision of the presiding officer, unless
 6 appealed or unless he submits the question to the house for
 7 advice or decision
 8 (14) All incidental motions, such as motions relating
 9 to voting or other questions of a general procedural nature.
 10 5-9. A member may move to divide a question if it
 11 includes two or more propositions so distinct in substance
 12 that if one thing is taken away a substantive question will
 13 remain.
 14 5-10. No more than one amendment and no more than one
 15 substitute motion may be made to a motion. This rule permits
 16 the main motion and two modifying motions.

CHAPTER 6

Bills and Resolutions

17 A.--Form of Bills--Definition of Resolutions--General
 18 Provisions

- 19 6-1. The only types of instruments other than bills
 20 which may be introduced in either house of the legislature
 21 are:
 22 (1) A simple resolution is a formalized motion passed
 23 by one house only and bears the heading "House Resolution"

1 or "Senate Resolution". It may be used to amend the rules of
 2 one house or to provide for the internal affairs of the
 3 house adopting it. It does not require three readings or a
 4 roll call vote. A member offering a simple resolution may
 5 read it in his place before introduction. When a simple
 6 resolution has been introduced, it shall be referred to a
 7 committee. Final action shall be taken on the Committee of
 8 the Whole report. The transmittal of copies of simple
 9 resolutions is the responsibility of the chief clerk or
 10 secretary of the house of origin.

11 A copy of every simple resolution is to be transmitted
 12 after adoption to the secretary of state by the secretary of
 13 the Senate or chief clerk of the House.

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

23 A copy of every joint resolution is to be transmitted
 24 after adoption to the secretary of state by the secretary of
 25 the Senate or chief clerk of the House.

1 6-2. Bills shall be typewritten on paper eight and
 2 one-half by eleven inches with twenty-five numbered lines,
 3 and shall be introduced in quadruplicate. Pica type and a
 4 good black ribbon must be used. Bills shall be numbered at
 5 the foot of each page (except page one) and shall have white
 6 covers of a substantial material. In sections amending
 7 existing statutes, matter to be stricken out shall be
 8 indicated with a line through the words or part to be
 9 deleted, and new matter shall be underlined. Sections of the
 10 most recent Revised Codes of Montana repealed or amended in
 11 a bill shall be stated in the title except for general
 12 appropriation bills and bills for the codification and
 13 general revision of the laws. Introduced bills will be
 14 reproduced on white paper and distributed to legislators.

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

21 A bill shall be used to propose amendments to the
 22 Constitution of the State of Montana and shall not be
 23 subject to the veto of the governor (Montana Constitution,
 24 Art. VI, Sec. 10(1)).

25 6-4. All appropriation bills shall originate in the

1 House of Representatives.

2 The general appropriation bills shall embrace nothing
 3 but appropriations for the ordinary expenses of the
 4 legislative, executive and judicial departments of the
 5 state, interest on public debt and for public schools. All
 6 other appropriations shall be made by separate bills, each
 7 embracing but one subject (Montana Constitution, Art. V,
 8 Sec. 11 (4)). Appropriation bills for the operation of the
 9 legislature shall be introduced by the chairman of the House
 10 Committee on Appropriations.

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

17 B.--Introduction

18 6-6. Bills will be checked by the staff of the Legal
 19 Services Division of the Legislative Council prior to
 20 consideration by a committee of the legislature, for proper
 21 format, style, and legal form. A stamp shall be affixed to
 22 the bill cover and initialed indicating this review. If such
 23 stamp is not affixed at the time the bill is delivered to
 24 the appropriate committee chairman, the chairman shall cause
 25 the bill to be transmitted to the Legal Services Division

1 for such review. Members should make every effort to present
 2 proposed bills to the Division in advance of introduction of
 3 the bill. Bills will be entered on the automated bill
 4 drafting equipment and typed to facilitate a more rapid
 5 reproduction. If a bill is not so entered prior to
 6 introduction, it will not be considered by any committee
 7 until it has been reviewed and entered. This review will be
 8 made after the eighteenth day. If the sponsor is notified of
 9 a problem with a bill and does not respond to the director
 10 of the Legal Services Division, Legislative Council, within
 11 two legislative days, the bill will be referred to the
 12 committee on rules in the house where the bill was
 13 introduced.

14 A bill may be introduced by endorsing it with the name
 15 of a member or committee and presenting it to the chief
 16 clerk or secretary in quadruplicate. Bills, joint
 17 resolutions, and simple resolutions shall be numbered
 18 consecutively in each session of the legislature in separate
 19 series in the order of their receipt.

20 Any bill proposed by a legislative committee or
 21 introduced by request of an administrative or executive
 22 agency or department shall be so indicated following the
 23 names of the sponsors, "By Request of _____ (Name
 24 of Agency or Committee)".

25 A bill which results from a interim study committee may

1 be introduced in the name of the interim committee. The
 2 chairman of the interim committee, or a member designated by
 3 him, shall manage the bill.

4 Bills may be prefiled, numbered and preprinted prior to
 5 a legislative session. This will be the responsibility of
 6 the staff of the Legislative Council. Actual signatures may
 7 appear on the face of the prefiled bill or signatures may be
 8 obtained on a consent form from the Legislative Council.
 9 Additional sponsors may be added at the time of introduction
 10 on the first legislative day, on motion of the chief
 11 sponsor. These names will be forwarded to the Legislative
 12 Council to be included on the face of the bill following
 13 standing committee approval.

14 All prefiled bills will be made available to the
 15 public.

16 6-7. Bills may be introduced until 5 p.m. on the
 17 eighteenth legislative day, except revenue bills and
 18 appropriation bills.

19 All bill drafting requests must be submitted to the
 20 Legislative Council staff by 5 p.m. of the fourteenth
 21 legislative day. A sponsor of a bill drafted pursuant to a
 22 timely request, but which is not delivered by the eighteenth
 23 day by the Legislative Council, shall have two legislative
 24 days after delivery to introduce the bill. No other bills
 25 except revenue and appropriation bills may be introduced

1 after 5 p.m. on the eighteenth legislative day.

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

5 Joint Resolutions affecting rules adopted in the
6 Montana Administrative Code may be introduced and
7 transmitted at any time during a session.

8 Requests for interim studies may be made by joint
9 resolution only and may be introduced and transmitted at any
10 time during a session.

11 6-8. No bill may be introduced or received in a house
12 after that house has finally rejected a bill during that
13 session designed to accomplish the same purpose save upon
14 approval by the rules committee of the house in which the
15 bill is offered for introduction or reception.

16 Failure to override a veto does not constitute final
17 rejection.

18 6-9. At least three-fourths of a standing committee
19 must consent to the introduction of a committee bill.

20 C.--First Reading and Commitment

21 6-10. No motion affecting a bill is in order on its
22 first reading except as provided in Joint Rule 6-6.

23 Upon introduction or reception of a bill, the chief
24 clerk of the House or the secretary of the Senate shall
25 publicly post upon a listing that bill by a summary of its

1 title in the house of origin and by a summary of its title
2 and by its history in the second house, together with a
3 notation of the committee to which it has been assigned, and
4 such posting shall constitute the first reading of the bill.

5 6-11. No bill shall be considered or become a law
6 unless referred to a committee and returned therefrom.

7 6-12. Upon introduction or reception of a bill, it
8 shall be referred to a committee by the presiding officer.

9 6-13. A bill may be recommitted at any time before its
10 passage.

11 D.--Amendments and Substitute Bills

12 6-14. No law shall be revised or amended, or the
13 provisions thereof extended by reference to its title only,
14 but so much thereof as is revised, amended or extended shall
15 be reenacted and published at length.

16 6-15. No law shall be passed except by bill, and no
17 bill shall be so altered or amended on its passage through
18 either house as to change its original purpose (Montana
19 Constitution, Art. V, Sec. 11(1)).

20 6-16. A committee may recommend that every clause in a
21 bill be changed and that entirely new matter be substituted
22 so long as the new matter is relevant to the title and
23 subject of the original bill. A substitute bill shall be
24 considered as an amendment and not as a new bill.

25 6-17. The proper form of reporting a substitute bill by

1 a committee is to propose amendments to strike out all of
 2 the bill following the enacting clause and to substitute the
 3 new bill, recommending also any necessary changes in the
 4 title. If a committee report recommending a substitute for a
 5 bill originating in the other house is adopted, the
 6 substitute bill shall be printed.

7 6-18. Amendments to a bill by the second house shall
 8 not be further amended by the house in which the bill
 9 originated, but must either be accepted or rejected. If the
 10 amendments are rejected, a conference committee may be
 11 requested by the house in which the bill originated.

12 6-19. If a majority of a house adopts a recommendation
 13 for the passage of a bill originating in that house after it
 14 has been returned from a committee with amendments, not less
 15 than six hundred copies of the bill shall be printed on
 16 canary paper with all amendments incorporated into the
 17 printed copies. If the bill has been returned from a
 18 committee without amendments, only the first sheet shall be
 19 printed on canary paper, and the remainder of the text
 20 incorporated by reference to the preceding printed version
 21 of the entire bill. Bills referred to the bills committee
 22 of the house of origin for printing must be reported within
 23 three days unless further time is granted by that house.

24 6-20. Engrossing and Enrolling

25 6-20. When a bill has been reported favorably by

1 committee of the whole of the house of origin and the report
 2 has been adopted, the bill shall be engrossed under the
 3 direction of the bills committee, and when reported
 4 correctly engrossed by the committee shall be placed on the
 5 calendar for third reading on the succeeding legislative
 6 day. Committee of the whole amendments shall be included in
 7 the engrossed bill. Copies of the engrossed bill to be
 8 distributed to legislators will be reproduced on blue paper.
 9 If a bill is unamended by the committee of the whole,
 10 contains no clerical errors, and is neatly written, it may
 11 be engrossed without retyping, and only the first sheet
 12 shall be printed on blue paper with the remainder of the
 13 text incorporated by reference to the preceding printed
 14 version of the entire bill.

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

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

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

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

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

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

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

20 6.--Second Reading--Committee of the Whole

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

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

8 6-23. Every bill considered in committee of the whole
 9 shall be read by a summary of its title and by its history
 10 and considered section by section.

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

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

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

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

1 (2) The committee may not appoint subcommittees.

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

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

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

13 6--Third Reading--Governor's Veto

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

19 Any vote in one house on a bill proposing an amendment
 20 to the Montana State Constitution where the mathematical
 21 possibility exists of obtaining the necessary two-thirds
 22 vote of the legislature will cause the bill to progress as
 23 though it had received the majority vote.

24 6-29. Every bill shall be read three times prior to
 25 passage, either by title or by summary of title as provided

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

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

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

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

1 (4) If the legislature is not in session when the
 2 governor vetoes a bill, he shall return the bill with his
 3 reasons therefor to the legislature as provided by law. The
 4 legislature may reconvene to reconsider any bill so vetoed.
 5 (5) The governor may veto items in appropriation
 6 bills, and in such instances the procedure shall be the same
 7 as upon veto of an entire bill (Montana Constitution, Art.
 8 VI, Sec. 10).

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

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

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

1 (b) If both houses approve the governor's
2 recommendations the bill shall be returned to the governor
3 for his reconsideration.

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

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

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

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

19 6-33. Transmittal of bills

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

1 of the House shall give a dated receipt to the secretary of
2 the Senate.

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

14 A revenue bill is one which would either increase or
15 decrease tax collections.

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

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

25 6-36. All bills reported out of a committee of the

1 legislature having an effect on the revenues, expenditures,
 2 or fiscal liability of the state, except appropriation
 3 measures carrying specific dollar amounts, shall include a
 4 fiscal note incorporating an estimate of such effect. The
 5 Legislative Council staff shall indicate at the top of each
 6 bill prepared for introduction that a fiscal note may be
 7 necessary under this rule. Fiscal notes shall be requested
 8 by the presiding officer of either house, who shall
 9 determine the need for the note at the time of introduction,
 10 based on the Legislative Council staff recommendation.

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

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

23 Fiscal notes shall, where possible, show in dollar
 24 amounts the estimated increase or decrease in revenues or
 25 expenditures, costs which may be absorbed without additional

1 funds, and long-range financial implications. No comment or
 2 opinion relative to merits of the bill shall be included;
 3 however, technical or mechanical defects may be noted.

4 A fiscal note also may be requested on a bill and on an
 5 amendment by:

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

11 The budget director shall make available on request to
 12 any member of the legislature all background information
 13 used in developing a fiscal note (Sections 43-1001 through
 14 43-1006, R.C.M. 1947).

15 CHAPTER 7

16 Committees

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

23 7-2. A standing committee shall submit a written report
 24 in triplicate on all bills or matters referred to it within
 25 seven days after reference, unless at the request of the

1 committee and for good cause shown, further time is granted
2 by the house concerned.

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

9 7-4. All committees and subcommittees shall keep
10 minutes of their meetings and, at the close of the session,
11 shall make five complete copies and shall turn the original
12 of the minutes over to the chief clerk of the House or
13 secretary of the Senate for delivery to the historical
14 society. The majority and minority leader of each house and
15 the Legislative Council shall each be given one copy of the
16 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. The time and place of all
16 conference committee meetings shall be agreed upon by their
17 chairman and be announced from the rostrum. This
18 announcement is in order at any time. Failure to make this
19 announcement shall not affect the validity of the
20 legislation. The conference committees, having conferred,
21 shall report to their respective houses the result of their
22 conference. A conference committee shall confine itself to
23 the disputed amendment.

24 If either house requests a free conference committee
25 and the other house concurs, appointments will be made the

1 same as above. A free conference committee may discuss a
2 bill in its entirety and is not confined to a particular
3 amendment.

4 7-9. In joint committees other than conference
5 committees, members vote individually and not by houses.
6 Because conference committees are joint meetings of separate
7 committees, in conference committees the committees from
8 each house vote separately, and a majority of each committee
9 must agree before any action may be taken.

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

20 7-11. Accredited press representatives may not be
21 excluded from any public legislative meeting or hearing and
22 may not be prohibited from taking photographs, televising,
23 or recording the committee or house hearings, subject to the
24 discretion of the presiding officer in all matters of
25 decorum and order.

CHAPTER 8

Rules and Journal

1
2
3 8-1. Each house shall keep a journal of its
4 proceedings, and may, in its discretion, from time to time,
5 publish the same, and the ayes and noes on any question
6 shall, at the request of any two members, be entered on the
7 journal.

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

10 (1) the number of each bill when it is introduced and
11 subsequently considered; the title of each bill shall be
12 printed in the index of the permanent journals.

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

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

17 (4) committee reports;

18 (5) roll call votes;

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

20 (7) an entry of the oath taken by the members (Sec.
21 43-209, R.C.M. 1947).

22 8-3. The bills and journal committee of each house
23 shall supply the director of the Legislative Services
24 Division of the Legislative Council with the contents of the
25 daily journal to be programmed on automated equipment.

1 examine its journal, distribute a daily journal to all
2 legislators, correct any errors, and report each legislative
3 day immediately after roll call.

4 8-4. The journal of the Senate must be authenticated by
5 the signature of the president, and the journal of the House
6 of Representatives by the signature of the speaker. The
7 distribution of the completed journals shall be made by the
8 Legislative Services Division of the Legislative Council
9 (Sec. 43-304, R.C.M. 1947).

10 8-5. (1) A joint rule may be repealed or amended only
11 with the concurrence of both houses, under the procedures
12 adopted by each house for the repeal or amendment of its own
13 rules.

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

18 (3) Any rules committee report recommending a change
19 in joint rules shall be referred to the other house for
20 concurrent action. Any new rule or any change in the rules
21 of either house shall be transmitted to the other house for
22 informational purposes.

23 8-6. Mason's Manual of Legislative Procedure governs
24 the proceedings of the Senate and House of Representatives
25 in all cases not covered by these rules.

1 8-7. The Legislative Council shall codify and publish
2 in one volume the rules of the Senate, the rules of the
3 House of Representatives and the joint rules of the Senate
4 and House of Representatives. Upon adoption, the secretary
5 of the Senate and the chief clerk of the House of
6 Representatives shall provide the office of the Legislative
7 Council with one copy of all motions or resolutions amending
8 Senate, house or joint rules, and with copies of all minutes
9 and reports of the rules committees. After the rules have
10 been published, the Legislative Council shall distribute
11 copies as directed by the Senate and House of
12 Representatives.

13 8-8. Pursuant to the authority established in Sections
14 43-901 through 43-904, the following fee schedule is
15 established for the legislative proceedings:

16 One complete set of the proceedings of any regular
17 session, \$200; an additional \$75 is required for mailing by
18 first-class mail; an additional \$100 is required for airmail
19 delivery.

20 One complete set of the proceedings of any special
21 session, \$25.

22 Single copies of bills, resolutions or amendments may
23 be purchased according to the length of the document as
24 follows:

25 1-15 pages.....\$.25

1 16-40 pages.....\$.50
 2 41-100 pages.....\$.75
 3 101-200 pages.....\$1.00
 4 Over 200 pages.....\$2.00
 5 Single copies of status sheets,
 6 status of proceedings,
 7 indices.....\$.10
 8 Copies of enacted bills.....cost of
 9 reproduction.

10 Section 43-903, R.C.M. 1947, excludes certain groups
 11 and provides that they are entitled to receive a complete
 12 set of legislative proceedings without charge.
 13 "Representatives of general circulation newspapers" is
 14 defined to include only those newspapers available to the
 15 general public through newsstand distribution. Newspapers
 16 circulated to an organization membership list and
 17 publications sponsored by organizations involved in lobbying
 18 do not qualify their representatives to receive free copies
 19 of the proceedings.

CHAPTER 9

Voting Procedure

22 9-1. Except as provided in Joint Rule 9-2, every member
 23 present when a question is put shall vote unless the house
 24 of which he is a member excuses him.

25 9-2. A member who has a personal or private interest in

1 any measure or bill proposed or pending before the
 2 legislature shall disclose the fact to the house of which he
 3 is a member, and shall not vote thereon.

4 9-3. Amendments to the constitution may be proposed by
 5 any member of the legislature. If adopted by an affirmative
 6 roll call vote of two-thirds of all the members of the
 7 legislature, the amendment shall be deemed approved by the
 8 legislature (Montana Constitution, Art. XIV, Sec. 8).

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

13 9-5. A roll call vote shall be taken on the request of
 14 two members.

15 9-6. On a roll call vote the names of the members shall
 16 be called alphabetically, unless an electrical voting system
 17 is used. A member may not vote or change his vote after the
 18 decision is announced from the chair. A member may not
 19 explain his vote until after the decision is announced from
 20 the chair.

21 9-7. (1) On third reading the question shall be stated
 22 as follows: "Senate (or House) bill number _____ having
 23 been read three several times, the question is, shall the
 24 bill pass (or be concurred in)."

25 (2) If an electrical voting system is used the

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

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

14 9-9. An agreement to pair must be in writing and dated
 15 and signed by the members agreeing to be bound, and must
 16 specify the duration of the pair. When an agreement to pair
 17 is filed with the secretary of the Senate or chief clerk of
 18 the House of Representatives, it shall bind the members
 19 signing until the expiration of time for which it was
 20 signed, unless the paired members sooner appear and ask that
 21 the agreement be cancelled.

22 9-10. Every vote of each member of the legislature on
 23 each substantive question in the legislature, in any
 24 committee, or in committee of the whole shall be recorded
 25 and made public. On final passage of any bill or joint

1 resolution the vote shall be taken by ayes and noes and the
 2 names entered on the journal. A roll call vote shall be
 3 taken on nonsubstantive questions on the request of two
 4 members, who may likewise on any vote, request that the ayes
 5 and noes be spread upon the journal. Roll call votes and
 6 other votes which are to be made public but are not
 7 specifically required to be spread upon the journal shall be
 8 entered in the minutes of the appropriate committee or of
 9 the appropriate house and a copy of such minutes shall be
 10 filed with the Montana state historical society (Montana
 11 Constitution, Art. V, Sec. 11(2)).

-End-

Approved by Comm.
on Rules

Senate JOINT RESOLUTION NO. 1

INTRODUCED BY Murphy STEPHENS

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

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

That the following joint rules are adopted:

CHAPTER 1

Presiding Officer - Decorum,

Order and Debate

1-1. The presiding officer of the Senate is the president and the presiding officer of the House of Representatives is the speaker. The presiding officer of each house shall take the chair on every legislative day at the hour to which that house adjourned at the last sitting. After call to order, prayer by the chaplain and roll call, a report on the journal for the preceding legislative day shall be given in the presence of a quorum, and each house shall proceed with the regular order of business.

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

may order the galleries or lobbies to be cleared.

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

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

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

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

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

There are no changes in S.J.R.I., & will not be re-run.

Please refer to white copy for complete text. SECOND READING

S.J.R.I.

1 proceedings of either house; and second, those affecting the
 2 rights, reputation and conduct of individual members of
 3 either house in their capacity as members. A question of
 4 privilege affecting either house collectively takes
 5 precedence over a question of privilege affecting an
 6 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 cosign 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 and
 14 a member objects, it shall be determined by a vote of the
 15 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

1 2-1. The hour of meeting of the Senate is 1:30 p.m.
 2 unless otherwise ordered by the Senate. The hour of meeting
 3 of the House of Representatives is 1:30 p.m. unless
 4 otherwise ordered by the house.
 5

6 2-2. Lobbying on the floor of the Senate or House of
 7 Representatives is prohibited during the session and within
 8 one hour prior to the commencement of a session and within
 9 one-half hour after recess or adjournment.
 10

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 Senate JOINT RESOLUTION NO. 1
 2 INTRODUCED BY Murphy STEPHENS

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 officers, 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. Reporters
 5 on assignment in either house are subject to placement by
 6 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 than
 10 once on an appeal without the consent of a majority of the
 11 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.

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 23 taken down in writing by the chief clerk or secretary.

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

There are no changes in SJRI, & will not be re-run.

Please refer to white copy for complete text.

SJRI

1 proceedings of either house; and second, those affecting the
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 6 individual member.

7 1-8. The presiding officer of each house shall sign all
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 9 presides. The business manager and the presiding officer
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11 1-9. (1) A communication or paper shall be addressed to
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 13 submitting it. When the reading of a paper is called for and
 14 a member objects, it shall be determined by a vote of the
 15 house without debate. This subsection does not apply to
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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

1
 2
 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
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 21 day, and compel the attendance of absent members, in such
 22 manner and under such penalties as each house may prescribe
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January 14, 1977

HOUSE OF REPRESENTATIVES COMMITTEE ON RULES

AMENDMENTS TO SENATE JOINT RESOLUTION No. 1

That Senate Joint Resolution No. 1, as introduced, be amended as follows:

1. Amend page 22, section 6-7, lines 17 and 18.

Following: "bills"

Insert: ", committee bills"

2. Amend page 23, section 6-7, line 2.

Following: "bills"

Insert: "and committee bills"

3. Amend page 23, section 6-7, line 3.

Strike: "twenty-fifth"

Insert: "thirtieth"

4. Amend page 43, section 8-8, lines 14 and 15.

Following: "include"

Strike: "only those newspapers available to the general public through newsstand distribution"

Insert: "the Associated Press, United Press International, Great Falls Tribune, Lee Newspapers, and other daily and weekly newspapers of general interest and circulation, including student newspapers from institutions of higher education"

AND AS AMENDED BE CONCURRED IN.

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2 INTRODUCED BY MURPHY, STEPHENS

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REFERENCE BILL

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 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 ordered
19 no motion is in order except a motion to adjourn or remove
20 the call. The call may be removed by a two-thirds vote.

21 2-11. If either house is in session upon a given day,
22 whether or not the other house is in session, that day shall
23 constitute a legislative day.

24 CHAPTER 3

25 Legislative Employees

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

8 3-2. Except as provided in Joint Rule 3-3 and Joint
9 Rule 3-4, the business manager, subject to the supervision
10 of the Legislative Council and subject to the approval of
11 the respective houses, shall be responsible for personnel.

12 3-3. The committee on legislative administration of
13 each house shall appoint secretaries for standing or special
14 committees on recommendation of the committee chairman,
15 subject to the approval of the respective houses. A
16 secretary for a standing or special committee is immediately
17 responsible to the committee chairman, but when not occupied
18 with the duties of a committee, shall work under the
19 direction of the chief stenographer of each house. The
20 director of the Legislative Services Division of the
21 Legislative Council shall hire all engrossing and enrolling
22 typists and proofreaders.

23 3-4. The presiding officer and the majority and
24 minority floor leader of each house may each appoint a
25 private secretary.

1 3-5. The secretary of the Senate and chief clerk of the
2 House of Representatives are responsible to the presiding
3 officers of their respective houses. Their duties are:

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

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

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

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

17 3-6. Journal clerks, bill clerks, typists, and other
18 employees responsible for legislative functions, except
19 secretaries for standing or special committees, secretaries
20 to presiding officers, and secretaries to majority and
21 minority floor leaders, are immediately responsible to the
22 secretary of the Senate or the chief clerk of the House,
23 subject to the general supervision of the presiding officer.
24 Engrossing and enrolling clerks are immediately responsible
25 to the Director of the Legislative Services Division of the

1 Legislative Council under the direction of the bills
2 committee.

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

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

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

14 (i) errors in spelling

15 (ii) errors in numbering sections

16 (iii) adding or deleting underlining or lines through
17 matter to be stricken

18 (iv) material copied incorrectly from the most recent
19 Revised Codes of Montana.

20 The secretary of the Senate or chief clerk of the House
21 shall obtain written permission from the principal sponsor
22 before such corrections are made.

23 When a committee is the sponsor of a bill, any member
24 thereof so designated by the chairman may be the principal
25 sponsor for the purpose of this section.

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

4 (a) To maintain order under the direction of the
5 presiding officer.

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

7 (c) To receive, distribute and have custody of
8 supplies.

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

14 3-10. The duties of the chaplain of each house are to
15 open each day's session with a prayer.

16 3-11. A legislative aide or legislative intern is a
17 person who has registered with the business manager and to
18 whom the business manager has issued a distinctive
19 identification form such as a name tag. The business manager
20 may issue such identification only upon receiving written
21 verification from a member that the person involved is
22 serving him as an aide or intern. A person may not represent
23 himself to be a legislative aide or intern unless he carries
24 such identification. The sergeants-at-arms and doorkeepers
25 shall enforce this rule.

1 Qualifications for legislative interns are specified in
2 Section 43-720 through 43-731, R.C.M. 1947. Legislative
3 aides must be of legal age.

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

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

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

20 3-14. A business manager, under the supervision of the
21 Legislative Council, shall serve both the Senate and House
22 of Representatives.

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,
 10 and House and Senate chambers and prepare them for the
 11 session;
 12 (e) prepare recommendation to Senate Committee on
 13 Finance and Claims and House Committee on Appropriations of
 14 proposed budget based on past sessions and anticipated
 15 expenditures;
 16 (f) requisition rental of office equipment including
 17 duplicating machines, adding machines and calculators;
 18 (g) requisition parking permits;
 19 (h) collect applications for employment of legislative
 20 employees who are under the jurisdiction of the legislative
 21 administration committees in both houses;
 22 (i) supervise installation and connections of
 23 legislative telephone services;
 24 (j) assure that House and Senate roll call and sound
 25 systems are serviced;

1 (k) order name tags for each legislator;
 2 (l) prepare packets for first legislative day
 3 including printed rules, telephone directory and pencils;
 4 (m) assign committee space and order necessary
 5 committee signs for doors;
 6 (n) verify guide service with Legislative Council;
 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 distribute
 14 the report to legislative leaders in each house and to
 15 members of the Senate Committee on Finance and Claims and
 16 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 3-15. Contracts for purchase or lease of equipment and
4 supplies made by the business manager during the legislative
5 session shall be made on the approval of the committee on
6 legislative administration of each house, subject to the
7 review of the presiding officer of the respective house.

8 CHAPTER 4

9 Order of Business

10 4-1. After prayer, roll call, and report on the
11 journal, the order of business of the Senate and House of
12 Representatives is as follows:

- 13 (1) Communications and petitions
- 14 (2) Reports of standing committees
- 15 (3) Reports of select committees
- 16 (4) Messages from the governor
- 17 (5) Messages from the other house
- 18 (6) Motions
- 19 (7) First reading and commitment of bills
- 20 (8) Second reading of bills (committee of the whole)
- 21 (9) Third reading of bills
- 22 (10) Unfinished business
- 23 (11) Special orders of the day
- 24 (12) Announcement of committee meetings
- 25 To revert to or pass to a new order of business

1 requires only a majority vote. Unless otherwise specified in
2 the motion to recess, the house involved shall revert to
3 order of business No. 1 when reconvening after a recess.

4 CHAPTER 5

5 Motions

6 5-1. When a motion is made it shall be restated by the
7 presiding officer, and, if requested by the presiding
8 officer or a member, shall be reduced to writing and read
9 aloud. A motion may be withdrawn by the member making it at
10 any time before it is amended or voted upon.

11 5-2. When a question is under debate no motion may be
12 made except the following privileged and subsidiary motions
13 which have precedence in the order listed:

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

24 A question may be indefinitely postponed by a majority
25 roll call vote of all members present and voting. When a

1 bill or resolution is postponed indefinitely, it is finally
 2 rejected and may not be acted upon again during the biennium
 3 except upon a motion of reconsideration made pursuant to
 4 Rule 5-4.

5 5-3. No motion or proposition on a subject different
 6 from that under consideration shall be admitted under color
 7 of amendment or substitute.

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

22 5-5. When a motion to reconsider is laid on the table,
 23 a two-thirds majority is required to take it from the table.
 24 When a motion to reconsider fails, the question is finally
 25 and conclusively settled.

1 5-6. (1) Except as provided in subsection (2) of this
 2 rule, the effect of moving the previous question, if
 3 adopted, is to close debate immediately, to prevent the
 4 moving of amendments or other subsidiary motions, and to
 5 bring to vote promptly the immediately pending main question
 6 and the adhering subsidiary motions, whether on appeal or
 7 otherwise.

8 (2) When the previous question is ordered on any
 9 debatable question on which there has been no debate, the
 10 question may be debated for one-half hour, one-half of such
 11 time to be given to the proponents and one-half to the
 12 opponents.

13 5-7. A call of the house is not in order after the
 14 previous question is ordered, unless it appears upon an
 15 actual count by the presiding officer that a quorum is not
 16 present.

17 5-8. The following motions are not debatable:

- 18 (1) To adjourn
- 19 (2) For a call of the house
- 20 (3) To recess
- 21 (4) For parliamentary inquiry
- 22 (5) For suspension of the rules
- 23 (6) To lay on the table
- 24 (7) For the previous question
- 25 (8) To limit, extend the limits of, or to close debate

- 1 (9) To amend an undebatable motion
- 2 (10) To divide a question
- 3 (11) To pass business in committee of the whole
- 4 (12) To take from the table
- 5 (13) A decision of the presiding officer, unless
- 6 appealed or unless he submits the question to the house for
- 7 advice or decision
- 8 (14) All incidental motions, such as motions relating
- 9 to voting or other questions of a general procedural nature.
- 10 5-9. A member may move to divide a question if it
- 11 includes two or more propositions so distinct in substance
- 12 that if one thing is taken away a substantive question will
- 13 remain.
- 14 5-10. No more than one amendment and no more than one
- 15 substitute motion may be made to a motion. This rule permits
- 16 the main motion and two modifying motions.

CHAPTER 6

Bills and Resolutions

A--Form of Bills--Definition of Resolutions--General Provisions

- 21 6-1. The only types of instruments other than bills
- 22 which may be introduced in either house of the legislature
- 23 are:
- 24 (1) A simple resolution is a formalized motion passed
- 25 by one house only and bears the heading "House Resolution"

1 or "Senate Resolution". It may be used to amend the rules of
 2 one house or to provide for the internal affairs of the
 3 house adopting it. It does not require three readings or a
 4 roll call vote. A member offering a simple resolution may
 5 read it in his place before introduction. When a simple
 6 resolution has been introduced, it shall be referred to a
 7 committee. Final action shall be taken on the Committee of
 8 the Whole report. The transmittal of copies of simple
 9 resolutions is the responsibility of the chief clerk or
 10 secretary of the house of origin.

11 A copy of every simple resolution is to be transmitted
 12 after adoption to the secretary of state by the secretary of
 13 the Senate or chief clerk of the House.

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

23 A copy of every joint resolution is to be transmitted
 24 after adoption to the secretary of state by the secretary of
 25 the Senate or chief clerk of the House.

1 6-2. Bills shall be typewritten on paper eight and
 2 one-half by eleven inches with twenty-five numbered lines,
 3 and shall be introduced in quadruplicate. Pica type and a
 4 good black ribbon must be used. Bills shall be numbered at
 5 the foot of each page (except page one) and shall have white
 6 covers of a substantial material. In sections amending
 7 existing statutes, matter to be stricken out shall be
 8 indicated with a line through the words or part to be
 9 deleted, and new matter shall be underlined. Sections of the
 10 most recent Revised Codes of Montana repealed or amended in
 11 a bill shall be stated in the title except for general
 12 appropriation bills and bills for the codification and
 13 general revision of the laws. Introduced bills will be
 14 reproduced on white paper and distributed to legislators.

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

21 A bill shall be used to propose amendments to the
 22 Constitution of the State of Montana and shall not be
 23 subject to the veto of the governor (Montana Constitution,
 24 Art. VI, Sec. 10(1)).

25 6-4. All appropriation bills shall originate in the

1 House of Representatives.

2 The general appropriation bills shall embrace nothing
 3 but appropriations for the ordinary expenses of the
 4 legislative, executive and judicial departments of the
 5 state, interest on public debt and for public schools. All
 6 other appropriations shall be made by separate bills, each
 7 embracing but one subject (Montana Constitution, Art. V,
 8 Sec. 11 (4)). Appropriation bills for the operation of the
 9 legislature shall be introduced by the chairman of the House
 10 Committee on Appropriations.

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

17 B.--Introduction

18 6-6. Bills will be checked by the staff of the Legal
 19 Services Division of the Legislative Council prior to
 20 consideration by a committee of the legislature, for proper
 21 format, style, and legal form. A stamp shall be affixed to
 22 the bill cover and initialed indicating this review. If such
 23 stamp is not affixed at the time the bill is delivered to
 24 the appropriate committee chairman, the chairman shall cause
 25 the bill to be transmitted to the Legal Services Division

1 for such review. Members should make every effort to present
 2 proposed bills to the Division in advance of introduction of
 3 the bill. Bills will be entered on the automated bill
 4 drafting equipment and typed to facilitate a more rapid
 5 reproduction. If a bill is not so entered prior to
 6 introduction, it will not be considered by any committee
 7 until it has been reviewed and entered. This review will be
 8 made after the eighteenth day. If the sponsor is notified of
 9 a problem with a bill and does not respond to the director
 10 of the Legal Services Division, Legislative Council, within
 11 two legislative days, the bill will be referred to the
 12 committee on rules in the house where the bill was
 13 introduced.

14 A bill may be introduced by endorsing it with the name
 15 of a member or committee and presenting it to the chief
 16 clerk or secretary in quadruplicate. Bills, joint
 17 resolutions, and simple resolutions shall be numbered
 18 consecutively in each session of the legislature in separate
 19 series in the order of their receipt.

20 Any bill proposed by a legislative committee or
 21 introduced by request of an administrative or executive
 22 agency or department shall be so indicated following the
 23 names of the sponsors, "By Request of _____ (Name
 24 of Agency or Committee)".

25 A bill which results from a interim study committee may

1 be introduced in the name of the interim committee. The
 2 chairman of the interim committee, or a member designated by
 3 him, shall manage the bill.

4 Bills may be prefiled, numbered and preprinted prior to
 5 a legislative session. This will be the responsibility of
 6 the staff of the Legislative Council. Actual signatures may
 7 appear on the face of the prefiled bill or signatures may be
 8 obtained on a consent form from the Legislative Council.
 9 Additional sponsors may be added at the time of introduction
 10 on the first legislative day, on motion of the chief
 11 sponsor. These names will be forwarded to the Legislative
 12 Council to be included on the face of the bill following
 13 standing committee approval.

14 All prefiled bills will be made available to the
 15 public.

16 6-7. Bills may be introduced until 5 p.m. on the
 17 eighteenth legislative day, except revenue bills, ~~COMMITTEE~~
 18 BILLS and appropriation bills.

19 All bill drafting requests must be submitted to the
 20 Legislative Council staff by 5 p.m. of the fourteenth
 21 legislative day. A sponsor of a bill drafted pursuant to a
 22 timely request, but which is not delivered by the eighteenth
 23 day by the Legislative Council, shall have two legislative
 24 days after delivery to introduce the bill. No other bills
 25 except revenue and appropriation bills may be introduced

1 after 5 p.m. on the eighteenth legislative day.

2 Revenue bills AND COMMITTEE BILLS must be introduced by
3 5 p.m. on the ~~twenty-fifth~~ THIRTIETH legislative day. There
4 is no time limit for introduction of appropriation bills.

5 Joint Resolutions affecting rules adopted in the
6 Montana Administrative Code may be introduced and
7 transmitted at any time during a session.

8 Requests for interim studies may be made by joint
9 resolution only and may be introduced and transmitted at any
10 time during a session.

11 6-8. No bill may be introduced or received in a house
12 after that house has finally rejected a bill during that
13 session designed to accomplish the same purpose save upon
14 approval by the rules committee of the house in which the
15 bill is offered for introduction or reception.

16 Failure to override a veto does not constitute final
17 rejection.

18 6-9. At least three-fourths of a standing committee
19 must consent to the introduction of a committee bill.

20 C.--First Reading and Commitment

21 6-10. No motion affecting a bill is in order on its
22 first reading except as provided in Joint Rule 6-6.

23 Upon introduction or reception of a bill, the chief
24 clerk of the House or the secretary of the Senate shall
25 publicly post upon a listing that bill by a summary of its

1 title in the house of origin and by a summary of its title
2 and by its history in the second house, together with a
3 notation of the committee to which it has been assigned, and
4 such posting shall constitute the first reading of the bill.

5 6-11. No bill shall be considered or become a law
6 unless referred to a committee and returned therefrom.

7 6-12. Upon introduction or reception of a bill, it
8 shall be referred to a committee by the presiding officer.

9 6-13. A bill may be recommitted at any time before its
10 passage.

11 D.--Amendments and Substitute Bills

12 6-14. No law shall be revised or amended, or the
13 provisions thereof extended by reference to its title only,
14 but so much thereof as is revised, amended or extended shall
15 be reenacted and published at length.

16 6-15. No law shall be passed except by bill, and no
17 bill shall be so altered or amended on its passage through
18 either house as to change its original purpose (Montana
19 Constitution, Art. V, Sec. 11(1)).

20 6-16. A committee may recommend that every clause in a
21 bill be changed and that entirely new matter be substituted
22 so long as the new matter is relevant to the title and
23 subject of the original bill. A substitute bill shall be
24 considered as an amendment and not as a new bill.

25 6-17. The proper form of reporting a substitute bill by

1 a committee is to propose amendments to strike out all of
 2 the bill following the enacting clause and to substitute the
 3 new bill, recommending also any necessary changes in the
 4 title. If a committee report recommending a substitute for a
 5 bill originating in the other house is adopted, the
 6 substitute bill shall be printed.

7 6-18. Amendments to a bill by the second house shall
 8 not be further amended by the house in which the bill
 9 originated, but must either be accepted or rejected. If the
 10 amendments are rejected, a conference committee may be
 11 requested by the house in which the bill originated.

12 6-19. If a majority of a house adopts a recommendation
 13 for the passage of a bill originating in that house after it
 14 has been returned from a committee with amendments, not less
 15 than six hundred copies of the bill shall be printed on
 16 canary paper with all amendments incorporated into the
 17 printed copies. If the bill has been returned from a
 18 committee without amendments, only the first sheet shall be
 19 printed on canary paper, and the remainder of the text
 20 incorporated by reference to the preceding printed version
 21 of the entire bill. Bills referred to the bills committee
 22 of the house of origin for printing must be reported within
 23 three days unless further time is granted by that house.

24 E.--Engrossing and Enrolling

25 6-20. When a bill has been reported favorably by

1 committee of the whole of the house of origin and the report
 2 has been adopted, the bill shall be engrossed under the
 3 direction of the bills committee, and when reported
 4 correctly engrossed by the committee shall be placed on the
 5 calendar for third reading on the succeeding legislative
 6 day. Committee of the whole amendments shall be included in
 7 the engrossed bill. Copies of the engrossed bill to be
 8 distributed to legislators will be reproduced on blue paper.
 9 If a bill is unamended by the committee of the whole,
 10 contains no clerical errors, and is neatly written, it may
 11 be engrossed without retyping, and only the first sheet
 12 shall be printed on blue paper with the remainder of the
 13 text incorporated by reference to the preceding printed
 14 version of the entire bill.

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

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

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

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

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

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

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

20 ~~F. -- Second Reading -- Committee of the Whole~~

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

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

8 6-23. Every bill considered in committee of the whole
 9 shall be read by a summary of its title and by its history
 10 and considered section by section.

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

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

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

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

1 (2) The committee may not appoint subcommittees.

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

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

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

13 ~~6-28. Third Reading--Governor's Veto~~

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

19 Any vote in one house on a bill proposing an amendment
 20 to the Montana State Constitution where the mathematical
 21 possibility exists of obtaining the necessary two-thirds
 22 vote of the legislature will cause the bill to progress as
 23 though it had received the majority vote.

24 6-29. Every bill shall be read three times prior to
 25 passage, either by title or by summary of title as provided

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

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

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

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

1 (4) If the legislature is not in session when the
 2 governor vetoes a bill, he shall return the bill with his
 3 reasons therefor to the legislature as provided by law. The
 4 legislature may reconvene to reconsider any bill so vetoed.

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

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

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

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

1 (b) If both houses approve the governor's
2 recommendations the bill shall be returned to the governor
3 for his reconsideration.

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

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

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

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

19 H₂--Transmittal of Bills

20 5-33. Each house shall transmit to the other with any
21 bill all relevant papers. When a house bill is transmitted
22 from the House of Representatives to the Senate, the
23 secretary of the Senate shall give a dated receipt for the
24 bill to the chief clerk of the House. When a Senate bill is
25 transmitted to the House of Representatives, the chief clerk

1 of the House shall give a dated receipt to the secretary of
2 the Senate.

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

14 A revenue bill is one which would either increase or
15 decrease tax collections.

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

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

25 6-36. All bills reported out of a committee of the

1 legislature having an effect on the revenues, expenditures,
 2 or fiscal liability of the state, except appropriation
 3 measures carrying specific dollar amounts, shall include a
 4 fiscal note incorporating an estimate of such effect. The
 5 Legislative Council staff shall indicate at the top of each
 6 bill prepared for introduction that a fiscal note may be
 7 necessary under this rule. Fiscal notes shall be requested
 8 by the presiding officer of either house, who shall
 9 determine the need for the note at the time of introduction,
 10 based on the Legislative Council staff recommendation.

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

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

23 Fiscal notes shall, where possible, show in dollar
 24 amount the estimated increase or decrease in revenues or
 25 expenditures, costs which may be absorbed without additional

1 funds, and long-range financial implications. No comment or
 2 opinion relative to merits of the bill shall be included;
 3 however, technical or mechanical defects may be noted.

4 A fiscal note also may be requested on a bill and on an
 5 amendment by:

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

11 The budget director shall make available on request to
 12 any member of the legislature all background information
 13 used in developing a fiscal note (Sections 43-1001 through
 14 43-1006, R.C.M. 1947).

15 CHAPTER 7

16 Committees

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

23 7-2. A standing committee shall submit a written report
 24 in triplicate on all bills or matters referred to it within
 25 seven days after reference, unless at the request of the

1 committee and for good cause shown, further time is granted
2 by the house concerned.

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

9 7-4. All committees and subcommittees shall keep
10 minutes of their meetings and, at the close of the session,
11 shall make five complete copies and shall turn the original
12 of the minutes over to the chief clerk of the House or
13 secretary of the Senate for delivery to the historical
14 society. The majority and minority leader of each house and
15 the Legislative Council shall each be given one copy of the
16 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. The time and place of all
16 conference committee meetings shall be agreed upon by their
17 chairman and be announced from the rostrum. This
18 announcement is in order at any time. Failure to make this
19 announcement shall not affect the validity of the
20 legislation. The conference committees, having conferred,
21 shall report to their respective houses the result of their
22 conference. A conference committee shall confine itself to
23 the disputed amendment.

24 If either house requests a free conference committee
25 and the other house concurs, appointments will be made the

1 same as above. A free conference committee may discuss a
2 bill in its entirety and is not confined to a particular
3 amendment.

4 7-9. In joint committees other than conference
5 committees, members vote individually and not by houses.
6 Because conference committees are joint meetings of separate
7 committees, in conference committees the committees from
8 each house vote separately, and a majority of each committee
9 must agree before any action may be taken.

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

20 7-11. Accredited press representatives may not be
21 excluded from any public legislative meeting or hearing and
22 may not be prohibited from taking photographs, televising,
23 or recording the committee or house hearings, subject to the
24 discretion of the presiding officer in all matters of
25 decorum and order.

CHAPTER 8

Rules and Journal

3 8-1. Each house shall keep a journal of its
4 proceedings, and may, in its discretion, from time to time,
5 publish the same, and the ayes and noes on any question
6 shall, at the request of any two members, be entered on the
7 journal.

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

10 (1) the number of each bill when it is introduced and
11 subsequently considered; the title of each bill shall be
12 printed in the index of the permanent journals.

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

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

17 (4) committee reports;

18 (5) roll call votes;

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

20 (7) an entry of the path taken by the members (Sec.
21 43-209, R.C.M. 1947).

22 8-3. The bills and journal committee of each house
23 shall supply the director of the Legislative Services
24 Division of the Legislative Council with the contents of the
25 daily journal to be programmed on automated equipment,

1 examine its journal, distribute a daily journal to all
2 legislators, correct any errors, and report each legislative
3 day immediately after roll call.

4 8-4. The journal of the Senate must be authenticated by
5 the signature of the president, and the journal of the House
6 of Representatives by the signature of the speaker. The
7 distribution of the completed journals shall be made by the
8 Legislative Services Division of the Legislative Council
9 (Sec. 43-304, R.C.M. 1947).

10 8-5. (1) A joint rule may be repealed or amended only
11 with the concurrence of both houses, under the procedures
12 adopted by each house for the repeal or amendment of its own
13 rules.

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

18 (3) Any rules committee report recommending a change
19 in joint rules shall be referred to the other house for
20 concurrent action. Any new rule or any change in the rules
21 of either house shall be transmitted to the other house for
22 informational purposes.

23 8-6. Mason's Manual of Legislative Procedure governs
24 the proceedings of the Senate and House of Representatives
25 in all cases not covered by these rules.

1 8-7. The Legislative Council shall codify and publish
2 in one volume the rules of the Senate, the rules of the
3 House of Representatives and the joint rules of the Senate
4 and House of Representatives. Upon adoption, the secretary
5 of the Senate and the chief clerk of the House of
6 Representatives shall provide the office of the Legislative
7 Council with one copy of all motions or resolutions amending
8 Senate, house or joint rules, and with copies of all minutes
9 and reports of the rules committees. After the rules have
10 been published, the Legislative Council shall distribute
11 copies as directed by the Senate and House of
12 Representatives.

13 8-8. Pursuant to the authority established in Sections
14 43-901 through 43-904, the following fee schedule is
15 established for the legislative proceedings:

16 One complete set of the proceedings of any regular
17 session, \$200; an additional \$75 is required for mailing by
18 first-class mail; an additional \$100 is required for airmail
19 delivery.

20 One complete set of the proceedings of any special
21 session, \$25.

22 Single copies of bills, resolutions or amendments may
23 be purchased according to the length of the document as
24 follows:

25 1-15 pages.....\$.25

1 16-40 pages.....\$.50
 2 41-100 pages.....\$.75
 3 101-200 pages.....\$1.00
 4 Over 200 pages.....\$2.00
 5 Single copies of status sheets,
 6 status of proceedings,
 7 indices.....\$.10
 8 Copies of enacted bills.....cost of
 9 reproduction.

10 Section 43-903, R.C.M. 1947, excludes certain groups
 11 and provides that they are entitled to receive a complete
 12 set of legislative proceedings without charge.
 13 "Representatives of general circulation newspapers" is
 14 defined to include ~~only those newspapers available to the~~
 15 ~~general public through newsstand distribution~~ THE ASSOCIATED
 16 PRESS, UNITED PRESS INTERNATIONAL, GREAT FALLS TRIBUNE, LEE
 17 NEWSPAPERS, AND OTHER DAILY AND WEEKLY NEWSPAPERS OF GENERAL
 18 INTEREST AND CIRCULATION, INCLUDING STUDENT NEWSPAPERS FROM
 19 INSTITUTIONS OF HIGHER EDUCATION. Newspapers circulated to
 20 an organization membership list and publications sponsored
 21 by organizations involved in lobbying do not qualify their
 22 representatives to receive free copies of the proceedings.

CHAPTER 9

Voting Procedure

25 9-1. Except as provided in Joint Rule 9-2, every member

1 present when a question is put shall vote unless the house
2 of which he is a member excuses him.

3 9-2. A member who has a personal or private interest in
4 any measure or bill proposed or pending before the
5 legislature shall disclose the fact to the house of which he
6 is a member, and shall not vote thereon.

7 9-3. Amendments to the constitution may be proposed by
8 any member of the legislature. If adopted by an affirmative
9 roll call vote of two-thirds of all the members of the
10 legislature, the amendment shall be deemed approved by the
11 legislature (Montana Constitution, Art. XIV, Sec. 8).

12 9-4. When a measure requiring the concurrence of
13 two-thirds of the members is under consideration, a majority
14 vote is sufficient to decide any question relating to the
15 measure short of third reading.

16 9-5. A roll call vote shall be taken on the request of
17 two members.

18 9-6. On a roll call vote the names of the members shall
19 be called alphabetically, unless an electrical voting system
20 is used. A member may not vote or change his vote after the
21 decision is announced from the chair. A member may not
22 explain his vote until after the decision is announced from
23 the chair.

24 9-7. (1) On third reading the question shall be stated
25 as follows: "Senate (or House) bill number _____ having

1 been read three several times, the question is, shall the
2 bill pass (or be concurred in)."

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

11 9-8. Two members may pair on a measure that will be
12 determined by a majority vote. On a measure requiring a
13 two-thirds vote for adoption three members may pair, with
14 two members for the measure and one member against. Pairing
15 is permitted only when one of the paired members is absent
16 when the vote is taken.

17 9-9. An agreement to pair must be in writing and dated
18 and signed by the members agreeing to be bound, and must
19 specify the duration of the pair. When an agreement to pair
20 is filed with the secretary of the Senate or chief clerk of
21 the House of Representatives, it shall bind the members
22 signing until the expiration of time for which it was
23 signed, unless the paired members sooner appear and ask that
24 the agreement be cancelled.

25 9-10. Every vote of each member of the legislature on

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

-End-