

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON RULES

Call to Order: By Jerry Driscoll, on April 25, 1991, at 10:37 p.m.

ROLL CALL

Members Present:

Jerry Driscoll, Chairman (D)
Hal Harper, Vice-Chairman (D)
Dave Brown (D)
Paula Darko (D)
Larry Grinde (R)
Mike Kadas (D)
John Mercer (R)
Jim Rice (R)
Angela Russell (D)
Bill Strizich (D)
Chuck Swysgood (R)

Staff Present: Greg Petesch, Attorney and Joyce Andrus, Chief Clerk.

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

Meeting was called to challenge the ruling of the Chair.

Rep. Mercer:

The motion on the floor is for the House to request of the Senate that we recess for longer than three days subject to the call of the Speaker. I believe that this motion is out of order. We have H50-230 that allows us to recess. If we look up in Masons, chapters 20 and 21, it defines the difference between recessing and adjourning. Termination to a later day is adjournment, (Mason's 214 (2)).

There are reasons for these rules. The public and members have a right to know when the legislature convenes. Under what you propose to do, there is nothing to prevent you from calling us back into session without proper notice.

Rep. D. Brown:

Masons, 216 (2), is an unqualified motion to recess when adopted and announced. This would place the House at recess until call of the Chair. This is similar to our Joint Rule 10-40. We cannot adjourn or recess without consent of both houses.

Rep. Harper:

Recess is the proper motion. Masons applies and holds when rules adopted by a body are not specifically addressed. Our rule is specifically address this issue.

Public notice is governed under other rules and our constitution. That is one that will not be violated by this House. The intent of this House is to give full and adequate notice before we convene or have any meeting. Notice will be given as soon as the leadership on both sides of the House agree.

The purpose of this recess is to enable the House to continue it's work, without pay, on the more complicated bills. It will allow the Governor to negotiate with state employees.

We talked to the Governor about recessing and he thought it was a good idea. We could work together on the issues and we would save the taxpayers money.

Rep. Mercer:

Stresses that members and the public need a date certain of when we would come back.

Rep. D. Brown:

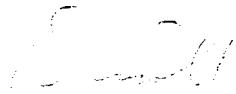
It is not the intent of the Speaker to harm members or the public.

MOTION by Rep. Dave Brown: I move Rules Committee uphold the Chairman's ruling.

Motion **CARRIED** Reps. Driscoll, Harper, D. Brown, Darko, Kadas, Russell and Strizich voting yea. Reps. Grinde, Mercer, J. Rice and Swysgood voting nay.

ADJOURNMENT

Adjournment: 11:07 p.m.



JERRY DRISCOLL, Chair

PAT JACOBSON, Secretary

JLD/PHJ

RULES COMMITTEE

DATE 1-25-91

PRESENT ABSENT EXCUSED

[illegible]

CSRULES.MAN

HOUSE OF REPRESENTATIVES
RULES COMMITTEE

ROLL CALL VOTE

DATE 4-25-91 BILL NO. _____ NUMBER _____

Motion: To uphold the ruling of the chair - see minutes

NAME	AYE	NO
REP. JERRY DRISCOLL, CHAIRMAN	✓	
REP. HAL HARPER, VICE-CHAIRMAN	✓	
REP. DAVE BROWN	✓	
REP. PAULA DARKO	✓	
REP. LARRY GRINDE		✓
REP. MIKE KADAS	✓	
REP. JOHN MERCER		✓
REP. JIM RICE		✓
REP. ANGELA RUSSELL	✓	
REP. BILL STRIZICH	✓	
REP. CHUCK SWYSGOOD		✓
TOTAL		

Pat Jacobson
Pat Jacobson, Secretary

Jerry Driscoll
Jerry Driscoll, Chairman

1 HOUSE RESOLUTION NO. 1

2 INTRODUCED BY DRISCOLL

3 BY REQUEST OF THE HOUSE RULES COMMITTEE

4

5 A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6 MONTANA TO ADOPT RULES TO GOVERN ITS PROCEEDINGS.

7

8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
9 OF MONTANA:

10 That the following rules be adopted:

11 Chapter 1

12 Administration

13 H10-10. House officers. (1) House officers include a
14 Speaker, a Speaker pro tempore, majority and minority floor
15 leaders, and majority and minority whips (section 5-2-221,
16 MCA).

17 (2) A majority of representatives voting elects the
18 Speaker and Speaker pro tempore from the House membership. A
19 majority of each caucus voting nominates House members to
20 the remaining offices, and those nominees are considered to
21 have been elected by a majority vote of the House.

22 H10-20. Speaker's duties. (1) The Speaker is the
23 presiding officer of the House, with authority for
24 administration, order, and decorum.

25 (2) The Speaker may order the galleries or lobbies

1 cleared in case of disturbance or disorderly conduct.

2 (3) The Speaker shall appoint and may remove the
3 members of all standing and select committees not otherwise
4 specified by law or rule.

5 (4) The Speaker shall sign all necessary certifications,
6 by the House, including enrolled bills and resolutions,
7 journals (section 5-11-201, MCA), subpoenas, and payrolls.

8 (5) The Speaker shall arrange the agendas for second
9 and third readings each legislative day. Representatives may
10 amend the agendas as provided in H40-130.

11 (6) The Speaker is the chief administrative officer of
12 the House, with authority for supervising all House
13 employees. The Speaker may seek the advice and counsel of
14 the Legislative Administration Committee regarding
15 employees.

16 H10-30. Speaker-elect. During the transition period
17 between the party organization caucuses and the election of
18 House officers, the Speaker-elect has the responsibilities
19 and authority appropriate to organize the House (section
20 5-2-202, MCA). Authority includes approving presession
21 expenditures.

22 H10-40. Speaker pro tempore duties. The Speaker pro
23 tempore shall act as the presiding officer in the absence of
24 the Speaker and shall carry out other duties assigned by the
25 Speaker.

Attachment 1

1/10/91

1 H30-50. Reconsideration in committee. A committee,
2 including the Committee of the Whole, may at any time prior
3 to submitting a report to the Chief Clerk reconsider its
4 previous action on legislation.

5 H30-60. Legislation requested by a committee. At least
6 two-thirds of all the representatives of a standing
7 committee must have voted in favor of the question to allow
8 the committee to request the drafting or introduction of
9 legislation. Votes requesting drafting and introduction of
10 committee legislation may be taken jointly or separately.

11 H30-70. Rules committee makeup. The Speaker will
12 determine the total number of members and the party
13 division, but each party will appoint its own members.

14 Chapter 4

15 Legislation

16 H40-10. Introduction deadlines. (1) Except as provided
17 in subsection (2), if a representative accepts drafted
18 legislation from the Legislative Council after the deadline
19 for introduction, the representative may not introduce that
20 legislation after 48 hours from the time the bill was
21 accepted from the Legislative Council.

22 (2) No bill or resolution may be introduced any later
23 than 5 p.m. 5 legislative days prior to the appropriate
24 transmittal deadline.

25 H40-20. House resolutions. (1) A House resolution is

1 used to adopt or amend House rules, make recommendations on
2 the districting and apportionment plan (Montana
3 Constitution, Art. V, Sec. 14), express the sentiment of the
4 House, or assist House operations.

5 (2) As to drafting, introduction, and referral, a House
6 resolution is treated as a bill. Final passage of a House
7 resolution is determined by the Committee of the Whole
8 report. A House resolution does not progress to third
9 reading.

10 (3) The Chief Clerk shall transmit a copy of each
11 passed House resolution to the Senate and the Secretary of
12 State.

13 H40-30. Cosponsors. (1) Prior to submitting legislation
14 to the Chief Clerk for introduction, the chief sponsor may
15 add representatives and senators as cosponsors by having
16 them sign the three copies.

17 (2) After legislation is submitted for introduction but
18 before the legislation returns from the first House
19 committee, the chief sponsor may add or remove cosponsors by
20 filing a cosponsor form with the Chief Clerk. This filing
21 must be noted by the Chief Clerk for the record on Order of
22 Business No. 11.

23 H40-40. Introduction. (1) During a session, proposed
24 House legislation may be introduced in the House by
25 submitting it in triplicate, endorsed with the signature of

1 a representative as chief sponsor, to the Chief Clerk for
 2 introduction. In each session of the Legislature, the
 3 proposed legislation must be numbered consecutively by type
 4 in the order of receipt. Submission and numbering of
 5 properly endorsed legislation constitutes introduction.

6 (2) Preintroduction of legislation prior to a session
 7 under provisions of the joint rules constitutes introduction
 8 in the House.

9 (3) Acknowledgment by the Chief Clerk of receipt of
 10 legislation transmitted from the Senate for consideration by
 11 the House constitutes introduction of the Senate legislation
 12 in the House.

13 H40-50. First reading. Legislation properly introduced
 14 or received in the House must be announced across the
 15 rostrum and public notice provided. This announcement
 16 constitutes first reading, and no debate or motion is in
 17 order except that a representative may question adherence to
 18 rules.

19 H40-60. One reading per day. Except on the final
 20 legislative day, legislation may receive no more than one
 21 reading per legislative day. On the final legislative day,
 22 legislation may receive more than one reading.

23 H40-70. Referral. (1) The Speaker shall refer to a
 24 House committee all properly introduced House legislation
 25 and transmitted Senate legislation.

1 (2) Legislation may not receive final passage and
 2 approval unless it has been referred to a House committee.

3 H40-80. Rereferral. Legislation that is in the
 4 possession of the House and that has not been killed may be
 5 rereferred to a House committee by House motion approved by
 6 not less than three-fifths of the members present and
 7 voting.

8 H40-90. Legislation withdrawn from committee. (1)
 9 Legislation not previously adopted on second reading in the
 10 House may be withdrawn from a House committee by House
 11 motion approved by not less than three-fifths of the members
 12 present and voting.

13 (2) Legislation previously adopted on second reading
 14 and rereferred to a House committee other than the committee
 15 to which it had originally been referred may be withdrawn
 16 from a House committee by House motion approved by not less
 17 than a majority of the members present and voting.

18 H40-100. Standing committee reports. (1) A House
 19 standing committee recommendation of "do pass" or "be
 20 concurred in" must be announced across the rostrum and, if
 21 there is no objection to form, is considered adopted.

22 (2) A recommendation of "do not pass" or "be not
 23 concurred in" must be announced across the rostrum and, on
 24 the following legislative day, may be debated and adopted or
 25 rejected on Order of Business No. 2. A motion to reject an

1 adverse committee report on a bill not previously adopted on
 2 second reading must be approved by not less than
 3 three-fifths of the members voting. A motion to reject an
 4 adverse committee report on a bill previously adopted on
 5 second reading and rereferred to a House committee other
 6 than the committee to which it had been originally referred
 7 must be approved by not less than a majority of the members
 8 present and voting. Failure to adopt a motion to reject an
 9 adverse committee report constitutes adoption of the report.

10 (3) If the House rejects an adverse committee report,
 11 the bill progresses to second reading, as scheduled by the
 12 Speaker, with any amendments recommended by the committee.
 13 H40-110. Consent calendar procedure. Noncontroversial
 14 bills and simple and joint resolutions may be recommended
 15 for the consent calendar by a standing committee and
 16 processed according to the following provisions:

17 (1) to be eligible for the consent calendar, the
 18 legislation must receive a unanimous vote by the members of
 19 the standing committee in attendance (do pass, do pass as
 20 amended). In addition, a motion must be made and passed
 21 unanimously to place the legislation on the consent calendar
 22 and this action reflected in the committee report.
 23 Appropriation or revenue bills may not be recommended for
 24 the consent calendar.

25 (2) The legislation must then be sent to be processed

1 and reproduced as a third reading version and specifically
 2 marked as a "consent calendar" item.

3 (3) Legislation must be posted immediately (as soon as
 4 it is received as a third reading version) on the consent
 5 calendar and must remain there for 1 legislative day before
 6 consideration under Order of Business No. 11, special orders
 7 of the day. At that time, the presiding officer shall
 8 announce consideration of the consent calendar and allow
 9 "reasonable time" for questions and answers upon request. No
 10 debate is allowed.

11 (4) If any three representatives submit written
 12 objections to the placement of the legislation on the
 13 consent calendar, the legislation must be removed from the
 14 consent calendar and added to the regular second reading
 15 board.

16 (5) Consent calendar legislation will be considered on
 17 Order of Business No. 8, third reading of bills, following
 18 the regular third reading agenda.

19 (6) Legislation on the consent calendar must be
 20 considered individually with the roll call vote spread on
 21 the journal as the final vote in the House.

22 (7) Legislation passed on the consent calendar must
 23 then be transmitted to the Senate.

24 H40-120. Legislation requiring other than a majority
 25 vote. Legislation that requires other than a majority vote

1 for final passage needs only a majority vote for any action
2 that is taken prior to final passage and that normally
3 requires a majority vote.

4 **H40-130. Amending House second and third reading**
5 **agendas.** (1) A majority of representatives present may
6 rearrange or remove legislation from either the second or
7 third reading agenda on that legislative day.

8 (2) Legislation may be added to the second or third
9 reading agenda on that legislative day on a motion approved
10 by not less than three-fifths of the members present and
11 voting.

12 **H40-140. Second reading.** (1) Legislation returned from
13 committee may be placed on second reading unless otherwise
14 ordered by the House.

15 (2) The House shall form itself into a Committee of the
16 Whole to consider business on second reading. The Committee
17 of the Whole may debate legislation, attach amendments, and
18 recommend approval or disapproval of legislation.

19 (3) Except on the final legislative day, at least 1
20 legislative day must elapse between the time legislation is
21 reported from committee and the time it is considered on
22 second reading.

23 (4) If a motion to recommend that a bill "do pass" or
24 "be concurred in" fails in the Committee of the Whole, the
25 obverse, i.e., a recommendation that the bill "do not pass"

1 or "be not concurred in", is considered to have passed.

2 (5) An amendment attached to legislation by the
3 Committee of the Whole remains unless removed by further
4 legislative action.

5 (6) When the Committee of the Whole reports to the
6 House, the House shall adopt or reject the Committee of the
7 Whole report. If the House rejects the Committee of the
8 Whole report, the legislation remains on second reading, as
9 amended by the Committee of the Whole, unless the House
10 orders otherwise.

11 (7) A representative may move to segregate legislation
12 from the Committee of the Whole report before the report is
13 adopted. Segregated legislation, as amended by the Committee
14 of the Whole, must be placed on second reading unless the
15 House orders otherwise.

16 **H40-150. Amendments in the Committee of the Whole.** (1)
17 All Committee of the Whole amendments must be checked by the
18 House amendments coordinator for format, style, clarity,
19 consistency, and other factors, in accordance with the most
20 recent Bill Drafting Manual published by the Legislative
21 Council, before the amendment may be accepted at the
22 rostrum. The amendment form must include the date and time
23 the amendment is submitted for that check.

24 (2) An amendment submitted to the rostrum for
25 consideration by the Committee of the Whole must be marked

1 as checked by the amendments coordinator and signed by a
2 representative.

3 (3) A copy of every amendment rejected by the Committee
4 of the Whole must be kept as part of the official records.

5 H40-160. Motions in the Committee of the Whole. (1)
6 When the House resolves itself into a Committee of the
7 Whole, the only motions in order are to:

- 8 (a) amend;
- 9 (b) recommend passage or nonpassage;
- 10 (c) recommend concurrence or nonconcurrence;

11 (d) indefinitely postpone;

12 (e) reconsider;

13 (f) pass consideration;

14 (g) call for cloture;

15 (h) rise, report, or rise and report progress
16 and beg leave to sit again; and

17 (i) to change the order in which legislation is placed
18 on the agenda.

19 (2) Subsections (1)(e) through (1)(h) are nondebatable
20 but may be amended.

21 (3) If a quorum of representatives is not present
22 during second reading, the Committee of the Whole may
23 conduct no business on legislation and a motion for a call
24 of the House without a quorum is in order.

25 H40-170. Limits on debate in the Committee of the

1 Whole. (1) Except for the representative who makes a motion,
2 no representative may speak more than once on the motion and
3 for no more than 5 minutes. The representative who makes
4 the motion may have 5 minutes to close.

5 (2) After at least two proponents and two opponents
6 have spoken on a question and 45 minutes have elapsed, a
7 motion to call for cloture is in order. Approval by not less
8 than two-thirds of the members present and voting is
9 required to sustain a motion for cloture. Notwithstanding
10 the passage of a motion to end debate, the sponsor of the
11 motion on which debate was ended may close.

12 (3) By previous agreement of the Speaker and the
13 minority floor leader, a bill or resolution may be allocated
14 a predetermined amount of time for debate and number of
15 speakers.

16 H40-180. Special provisions for debate on the general
17 appropriations bill. (1) The Appropriations Committee
18 chairman, in presenting the bill, is not subject to the
19 5-minute speaking limitation.

20 (2) Each appropriations subcommittee chairman shall
21 fully present his or her portion of the bill. A subcommittee
22 chairman is not subject to the 5-minute speaking limitation.

23 (3) After the presentation by the subcommittee
24 chairman, the respective section of the bill is open for
25 debate, questions, and amendments.

1 (4) An amendment that affects more than one section of
 2 the bill must be offered when the first section affected is
 3 considered.

4 (5) Following completion of the debate on each section,
 5 that section is closed and may not be reopened except by
 6 majority vote.

7 (6) If a member moves to reopen a section for
 8 amendment, only the amendment of that member may be
 9 entertained. Another member wishing to amend the same
 10 section shall make a separate motion to reopen the section.

11 (7) Debate on the motion to reopen a section is limited
 12 to the question of reopening the section. The amendment
 13 itself may not be debated at that time. This limitation does
 14 not prohibit the member from explaining the amendment to be
 15 considered.

16 (8) A motion for cloture is not in order during debate
 17 on the general appropriations bill.

18 H40-190. Engrossing. (1) After legislation is passed on
 19 second reading, it must be engrossed within 48 hours under
 20 the direction of the Speaker. The Speaker may grant
 21 additional time for engrossing.

22 (2) When the legislation has been reported correctly
 23 engrossed, it may be placed on third reading on the
 24 following legislative day. On the final legislative day, the
 25 correctly engrossed legislation may be placed on third

1 reading on the same legislative day.

2 H40-200. Third reading. (1) All bills, joint
 3 resolutions, and Senate amendments to House bills and
 4 resolutions passing second reading must be placed on third
 5 reading.

6 (2) Legislation on third reading may not be amended or
 7 debated.

8 (3) The Speaker shall state the question on legislation
 9 on third reading. If a majority of the representatives
 10 voting does not approve the legislation, it fails to pass
 11 third reading.

12 H40-210. Senate legislation in the House. Senate
 13 legislation properly transmitted to the House must be
 14 treated as House legislation.

15 H40-220. Senate amendments to House legislation. (1)
 16 When the Senate has properly returned House legislation with
 17 Senate amendments, the House shall announce the amendments
 18 on Order of Business No. 4, and the Speaker shall place them
 19 on second reading for debate.

20 (2) If the House accepts Senate amendments on
 21 legislation requiring more than a majority vote for final
 22 passage, the House, following approval of the Senate
 23 amendments on third reading, shall place the final form of
 24 the legislation on third reading to determine if the
 25 required vote is obtained.

1 (3) If the House rejects the Senate amendments, the
 2 House may request the Senate to recede from its amendments
 3 or may direct appointment of a conference committee and
 4 request the Senate to appoint a like committee.

5 H40-230. Conference committee reports. (1) When a House
 6 conference committee files a report, the report must be
 7 announced under Order of Business No. 3.

8 (2) The House may debate and adopt or reject the
 9 conference committee report on second reading on any
 10 legislative day. The House may reconsider its action in
 11 rejecting a conference committee report under rules for
 12 reconsideration, H50-160.

13 (3) If both the House and the Senate adopt the same
 14 conference committee report on legislation requiring more
 15 than a majority vote for final passage, the House, following
 16 approval of the conference committee report on third
 17 reading, shall place the final form of the legislation on
 18 third reading to determine if the required vote is obtained.

19 (4) If the House rejects a conference committee report,
 20 the committee continues to exist unless dissolved by the
 21 Speaker or by motion. The committee may file a subsequent
 22 report.

23 (5) A House conference committee may confer regarding
 24 matters assigned to it with any Senate conference committee
 25 with like jurisdiction and submit recommendations for

1 consideration of the House.

2 H40-240. Enrolling. (1) When House legislation has
 3 passed both houses, it must be enrolled within 48 hours
 4 under the direction of the Speaker. The Speaker may grant
 5 additional time for enrolling.

6 (2) The chief sponsor of the legislation shall examine
 7 the enrolled legislation and, if it has no enrolling errors,
 8 shall, within 1 legislative day, certify the legislation as
 9 correctly enrolled.

10 (3) The correctly enrolled legislation must be
 11 delivered to the Speaker, who shall sign the legislation not
 12 later than the following legislative day. When enrolled
 13 legislation is delivered on the final legislative day, the
 14 Speaker shall sign it that day.

15 (4) After the legislation has been reported correctly
 16 enrolled but before it is signed, any representative may
 17 examine the legislation.

18 H40-250. Governor's amendments. (1) When the Governor
 19 returns a bill with recommended amendments, the House shall
 20 announce the amendments under Order of Business No. 5.

21 (2) The House may debate and adopt or reject the
 22 Governor's recommended amendments on second reading on any
 23 legislative day.

24 (3) If both the House and the Senate accept the
 25 Governor's recommended amendments on a bill that requires

1 more than a majority vote for final passage, the House shall
 2 place the final form of the legislation on third reading to
 3 determine if the required vote is obtained.

4 **H40-260. Governor's veto.** (1) When the Governor returns
 5 a bill with a veto, the House shall announce the veto under
 6 Order of Business No. 5.

7 (2) On any legislative day, a representative may move
 8 to override the Governor's veto by a two-thirds vote under
 9 Order of Business No. 9.

10 Chapter 5

11 Floor Actions

12 **H50-10. Attendance.** (1) A representative, unless
 13 excused, is required to be present at every sitting of the
 14 House.

15 (2) A representative may request in writing to be
 16 excused for a specified cause by his party leader. This
 17 excused absence is not a leave with cause from a call of the
 18 House.

19 **H50-20. Quorum.** (1) A quorum of the House is fifty-one
 20 representatives (Montana Constitution, Art. V, Sec. 10).

21 (2) Any representative may question the lack of a
 22 quorum at any time a vote is not being taken. The question
 23 is nondebatable, may not be amended, and is resolved by a
 24 roll call.

25 (3) The House may conduct no business without a quorum,

1 except that representatives present may convene, compel the
 2 attendance of absent representatives, or adjourn.

3 **H50-30. Call of the House without a quorum.** (1) In the
 4 absence of a quorum, a majority of the representatives
 5 present may compel the attendance of absent representatives
 6 through a call of the House without a quorum. The motion for
 7 the call is nondebatable, may not be amended, and is in
 8 order at any time it has been established that a quorum is
 9 not present.

10 (2) During a call of the House, all business is
 11 suspended. No motion is in order except a motion to adjourn
 12 or to remove the call.

13 (3) When a quorum has been achieved under the call, the
 14 call is automatically lifted. The call may also be lifted by
 15 adjournment or by two-thirds of the representatives present
 16 and voting.

17 **H50-40. Call of the House with a quorum.** (1) If a
 18 quorum is present but at least one representative is excused
 19 or absent, one-third of the representatives present and
 20 voting may order a call of the House with a quorum.

21 (2) The motion for a call is nondebatable, may not be
 22 amended, and is in order at any time a vote is not being
 23 taken, except that a call of the House with a quorum is not
 24 allowed in the Committee of the Whole.

25 (3) During a call of the House, all business is

1 suspended. No motion is in order except a motion to adjourn
2 or to remove the call.

3 (4) When all representatives are present, except those
4 on leave with cause, the call is automatically lifted. The
5 call may also be lifted by adjournment or by two-thirds of
6 the representatives present and voting.

7 H50-50. Leave with cause. (1) During a call of the
8 House, a representative with an overriding medical or
9 personal reason may request a leave with cause.

10 (2) If the representative is present at the time of the
11 call, the Speaker may approve a request for a leave with
12 cause.

13 (3) If the representative is not present at the time of
14 the call, two-thirds of the representatives present and
15 voting may approve a request for leave with cause.

16 (4) During a call of the House, a representative on
17 leave with cause may not cast an absentee vote.

18 H50-60. Motions. (1) Any representative may propose a
19 motion allowed by the rules for the order of business under
20 which the motion is offered for the consideration of the
21 House. Unless otherwise specified in rule or law, a majority
22 of representatives voting is necessary and sufficient to
23 decide a motion.

24 (2) Seconds to motions on the House floor are not
25 required.

1 (3) Absentee votes are not allowed on votes that are
2 specified as "representatives present and voting".

3 H50-70. Limits on debate of debatable motions. (1)
4 Except for the representative who places a debatable motion
5 before the body, no representative may speak more than once
6 on the question unless a unanimous House consents. The
7 representative who places the motion may close.

8 (2) No representative may speak for more than 15
9 minutes on the same question, except that a representative
10 may have 5 minutes to close.

11 H50-80. Nondebatable motions. (1) A representative has
12 the right to understand any question before the House and,
13 usually under the administration of the presiding officer,
14 may ask questions to exercise this right.

15 (2) The following motions are nondebatable:

16 (a) to adjourn;

17 (b) for a call of the House;

18 (c) to recess or rise;

19 (d) for parliamentary inquiry;

20 (e) to table or take from the table;

21 (f) to call for the previous question or cloture;

22 (g) to amend a nondebatable motion;

23 (h) to divide a question;

24 (i) to postpone consideration to a day certain;

25 (j) to suspend the rules; and

1 (k) all incidental motions, such as motions relating to
2 voting or of a general procedural nature.

3 H50-90. Questions. A representative may, through the
4 presiding officer, ask questions of another representative
5 during a floor session. There is no limit on questions and
6 answers, except as provided in H20-40.

7 H50-100. Amending motions -- limitations. (1) A
8 representative may move to amend the specific provisions of
9 a motion without changing its substance.

10 (2) No more than one motion to amend a motion is in
11 order at any one time.

12 (3) A motion for a call of the House, for the previous
13 question, to table, or to take from the table may not be
14 amended.

15 H50-110. Substitute motions. (1) When a question is
16 before the House, no substitute motion may be made except
17 the following, which have precedence in the order listed:

18 (a) to adjourn;

19 (b) for a call of the House;

20 (c) to recess or rise;

21 (d) for a question of privilege;

22 (e) to table;

23 (f) to call for the previous question or cloture;

24 (g) to postpone consideration to a day certain;

25 (h) to refer to a committee;

1 (i) to propose amendments; and

2 (j) to postpone indefinitely.

3 (2) Nothing in this section allows a motion that would
4 not otherwise be allowed under a particular order of
5 business.

6 (3) No more than one substitute motion is in order at
7 any one time.

8 H50-120. Withdrawing motions. A representative who
9 proposes a motion may withdraw it before it is voted on or
10 amended.

11 H50-130. Dividing a question. A representative may move
12 to divide a question if it includes two or more propositions
13 so distinct that they can be separated and if at least one
14 substantive question remains after one substantive question
15 is removed.

16 H50-140. Previous question. (1) If a majority of
17 representatives present and voting adopts a motion for the
18 previous question, debate is closed on the question and it
19 must be brought to a vote. The Speaker may not entertain a
20 motion to end debate unless at least one proponent and one
21 opponent have spoken on the question.

22 (2) Notwithstanding the passage of a motion to end
23 debate, the sponsor of the motion on which debate was ended
24 may close.

25 H50-150. Questions requiring other than a majority

1 vote. The following questions require the vote specified:

2 (1) a call of the House with a quorum (one-third of the
3 members present and voting);

4 (2) a motion to lift a call of the House (two-thirds of
5 the members present and voting);

6 (3) a motion to amend or suspend rules (two-thirds of
7 the members voting);

8 (4) a motion to record a vote (one representative);

9 (5) a motion to spread a vote on the journal (two
10 representatives);

11 (6) a motion to override the Governor's veto
12 (two-thirds of each house);

13 (7) a motion to approve a bill to appropriate the
14 principal of the coal trust fund (three-fourths of each
15 house);

16 (8) a motion to approve a bill to appropriate highway
17 revenue as described in Article VIII, section 6, of the
18 Montana Constitution for purposes other than therein
19 described (three-fifths of each house);

20 (9) a motion to approve a bill proposing to amend the
21 Montana Constitution (two-thirds of the entire Legislature);

22 (10) an appeal of the ruling of the presiding officer
23 (three representatives);

24 (11) a motion to speak more than once on a debatable
25 motion (unanimous vote);

1 (12) a motion to overturn an adverse committee report
2 (three-fifths of the members voting);

3 (13) a motion to rerefer a bill from one committee to
4 another (three-fifths of the members present and voting);

5 (14) a motion to withdraw a bill from a committee
6 (three-fifths of the members present and voting);

7 (15) a motion to add legislation to the second or third
8 reading agenda (three-fifths of the members present and
9 voting);

10 (16) any motion to remove legislation from its normal
11 progress through the House as provided under these rules and
12 reassign it unless otherwise specifically provided by these
13 rules (three-fifths of the members present and voting);

14 (17) a motion to change a vote (unanimous);

15 (18) a motion to call for cloture (two-thirds of the
16 members present and voting); and

17 (19) a motion to approve leave with cause during a call
18 of the House (two-thirds of the members present and voting).

19 H50-160. Reconsideration. (1) Any representative may,
20 within 1 legislative day of a vote, move to reconsider the
21 House vote on any matter still within the control of the
22 House.

23 (2) A motion for reconsideration, unless tabled or
24 replaced by a substitute motion, must be discussed of when
25 made.

1 (3) When a motion for reconsideration fails, the
2 question is finally settled. A motion for reconsideration
3 may not be renewed or reconsidered.

4 (4) A motion to recall legislation from the Senate
5 constitutes a motion to reconsider and is subject to the
6 same rules.

7 H50-170. Renewing procedural motions. The House may
8 renew a procedural motion if further House business has
9 intervened.

10 H50-180. Tabling. (1) Under Order of Business No. 9, a
11 representative may move to table any question, motion, or
12 legislation before the House except the question of a quorum
13 or a call of the House. The motion is nondebatable and may
14 not be amended.

15 (2) When a matter has been tabled, a representative may
16 move to take it from the table under Order of Business No. 9
17 on any legislative day.

18 H50-190. Indefinite postponement. A majority of
19 representatives may indefinitely postpone any matter
20 properly before the House.

21 H50-200. Voting. (1) The representatives shall vote to
22 decide any motion or question properly before the House.
23 Each representative has one vote.

24 (2) The House may, without objection, use a voice vote
25 on procedural motions that are not required to be recorded

1 in the journal. If a representative rises and objects, the
2 House shall record the vote.

3 (3) The House shall record the vote on all substantive
4 questions. If the voting system is inoperable, the Chief
5 Clerk shall record the representatives' votes by other
6 means.

7 H50-210. Changing a vote. (1) A representative may move
8 to change his vote within 1 legislative day of the vote. The
9 motion is nondebatable. A unanimous House shall consent to
10 the change. The representative making the motion shall first
11 specify the question and the original vote tally.

12 (2) An error caused by a malfunction of the voting
13 system may be corrected without a vote.

14 H50-220. Absentee votes. (1) An excused representative
15 may file an absentee vote authorization form to vote during
16 the excused absence on any vote for which absentee voting is
17 allowed.

18 (2) An excused representative shall sign an absentee
19 vote authorization form that specifies the motion and the
20 desired vote.

21 (3) The absentee vote authorization form must be handed
22 in at the rostrum by the party whip or designated
23 representative before voting on the motion has commenced.

24 (4) The absentee vote authorization may be revoked
25 before the vote by the member who signed the authorization.

1 H50-230. Recess. The House may stand at ease or, by
 2 majority vote, may recess under any order of business. The
 3 recess may be ended at the call of the chair or at a time
 4 specified.

5 H50-240. Adjournment for a legislative day. (1) A
 6 representative may move that the House adjourn for that
 7 legislative day. The motion is nondebatable and may be made
 8 under any order of business except Order of Business No. 7.

9 (2) A motion to adjourn for a legislative day must
 10 specify a date and time for the House to convene on the
 11 subsequent legislative day.

12 H50-250. Adjournment sine die. A representative may
 13 move that the House adjourn for the session. The motion is
 14 nondebatable and may be made under any order of business
 15 except Order of Business No. 7.

Chapter 6 Rules

18 H60-10. House rules. (1) The House may adopt, through a
 19 House resolution passed by a majority of its members, rules
 20 to govern its proceedings.

21 (2) After adoption of the House rules, two-thirds of
 22 the representatives voting must vote in favor of the
 23 question to amend the rules.

24 (3) The Speaker shall refer to the House Rules
 25 Committee all resolutions for House rules.

1 (4) The House Rules Committee shall report all
 2 resolutions for House rules within 1 legislative day of
 3 referral.

4 H60-20. Tenure of rules. Rules adopted by the House
 5 remain in effect until removed by House resolution or until
 6 a new House is elected and takes office.

7 H60-30. Suspension of rules. The House may suspend a
 8 House rule on a motion approved by not less than two-thirds
 9 of the members voting.

10 H60-40. Supplementary rules. Mason's Manual of
 11 Legislative Procedure (1989) governs House proceedings in
 12 all cases not covered by House rules.

13 H60-50. Interpreting rules. The Speaker shall interpret
 14 all questions on House rules, subject to appeal by any
 15 fifteen representatives to the House Rules Committee. The
 16 decision of the House Rules Committee may be appealed to the
 17 House by any representative.

18 H60-60. Joint rules superseded. A House rule, insofar
 19 as it relates to the internal proceedings of the House,
 20 supersedes a joint rule.

-End-

ATTACHMENT 1

1/17/91

House Rules Committee

1 SENATE JOINT RESOLUTION NO. 4

2 INTRODUCED BY VAN VALKENBURG, DRISCOLL
3 BY REQUEST OF THE JOINT RULES COMMITTEE

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

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

11 That the following joint rules be adopted:

12 CHAPTER 10

13 ADMINISTRATION

14 10-10. Time of meeting. Each house may order its time
15 of meeting.

16 10-20. Legislative day -- duration. (1) If either house
17 is in session on a given day, that day constitutes a
18 legislative day.

19 (2) A legislative day for a house ends either 24 hours
20 after that house convenes for the day or at the time the
21 house convenes for the following legislative day, whichever
22 is earlier.

23 10-30. Schedules. The presiding officer of each house
24 shall coordinate its schedule to accommodate the workload of
25 the other house.

1 10-40. Adjournment -- recess -- meeting place. A house
2 may not, without the consent of the other, adjourn or recess
3 for more than 3 days or to any place other than that in
4 which the two houses are sitting (Montana Constitution, Art.
5 V, Sec. 10(5)).

6 10-50. Access of press. Subject to the presiding
7 officer's discretion on issues of decorum and order, an
8 accredited press representative may not be prohibited from
9 photographing, televising, or recording a legislative
10 meeting or hearing.

11 10-60. Conflict of interest. A member who has a
12 personal or private interest in any measure or bill proposed
13 or pending before the Legislature shall disclose the fact to
14 the house of which he is a member.

15 10-70. Telephone calls. (1) Long distance telephone
16 calls made by a member while the Legislature is in session
17 or the member is in travel status are considered official
18 legislative business. These include, but are not limited to,
19 calls made to constituencies, places of business, and family
20 members.

21 (2) Session staff, including aides and interns, may use
22 telephones for long distance calls only if specifically
23 authorized to do so by their legislative sponsor or
24 supervisor. Sponsoring members and supervisors are
25 accountable for use of state telephones by their staff,

THIRD READING

1 including aides and interns, and may not authorize others to
2 use state phones.

3 (3) Permanent staff of the Legislature shall comply
4 with executive branch rules applying to the use of state
5 telephones.

6 10-80. Joint employees. The presiding officers of each
7 house, acting together, shall:

8 (a) hire joint employees; and

9 (b) review a dispute or complaint involving the
10 competency or decorum of a joint employee, and dismiss,
11 suspend, or retain the employee.

12 10-90. Legislative interns. Qualifications for
13 legislative interns are specified in Title 5, chapter 6,
14 MCA.

15 10-100. Legislative Council. (1) The staff of the
16 Legislative Council shall serve both houses as required.

17 (2) Staff members shall:

18 (a) maintain personnel files for legislative employees;

19 and

20 (b) prepare payrolls for certification and signature by
21 the presiding officer and prepare a monthly financial
22 report.

23 10-110. Compensation of legislative employees. The
24 Legislature by joint resolution shall prescribe the
25 compensation of the employees of each house.

1 10-120. Engrossing and enrolling staff -- duties. (1)
2 The Legislative Council shall hire all engrossing and
3 enrolling staff.

4 (2) The duties of the engrossing and enrolling staff
5 are:

6 (a) to engross or enroll any bill or resolution
7 delivered to them within 48 hours after it has been
8 received, unless further time is granted in writing by the
9 presiding officer of the house in which the bill originated;
10 and

11 (b) to correct clerical errors, absent the objection of
12 the sponsor of a bill, resolution, or amendment and the
13 Secretary of the Senate or the Chief Clerk of the House of
14 Representatives in any bill or amendment originating in the
15 house by which the Clerk or Secretary is employed. The
16 following kinds of clerical errors may be corrected:

17 (i) errors in spelling;

18 (ii) errors in numbering sections;

19 (iii) additions or deletions of underlining or lines
20 through matter to be stricken;

21 (iv) material copied incorrectly from the Montana Code
22 Annotated;

23 (v) errors in outlining or in internal references;

24 (vi) an error in a title caused by an amendment;

25 (vii) an error in a catchline caused by an amendment;

1 (viii) errors in references to the Montana Code
2 Annotated; and

3 (ix) other nonconformities of an amendment with Bill
4 Drafting Manual form.

5 (3) The engrossing and enrolling staff shall give
6 notice in writing of the clerical correction to the
7 Secretary of the Senate or the Chief Clerk of the House and
8 to the sponsor of the bill or amendment. Any of these may
9 register an objection to the correction by filing the
10 objection in writing within 24 hours after receipt of the
11 notice.

12 (4) If a committee is the sponsor of a bill or
13 resolution, any committee member designated by the chairman
14 may be the principal sponsor for the purpose of this
15 section. If a committee has proposed an amendment, the
16 chairman is the principal sponsor for the purpose of this
17 section.

18 10-130. Bills. (1) A bill draft request must be
19 sponsored by a member of the Legislature.

20 (2) A bill must be:

21 (a) printed on paper with numbered lines;

22 (b) numbered at the foot of each page (except page 1);

23 (c) introduced in triplicate DUPLICATE, WITH AN
24 ADDITIONAL TITLE PAGE; and

25 (d) for the original copy, covered with a cover page of

1 a substantial material.

2 (3) In a section amending an existing statute, matter
3 to be stricken out must be indicated with a line through the
4 words or part to be deleted, and new matter must be
5 underlined.

6 (4) Sections of the Montana Code Annotated repealed or
7 amended in a bill must be stated in the title, except in
8 general appropriation bills and bills for the codification
9 and general revision of the laws.

10 (5) Introduced bills must be reproduced on white paper
11 and distributed to members.

12 10-140. Voting. (1) A bill may not become a law except
13 by vote of the constitutionally required majority of all the
14 members present and voting in each house (Montana
15 Constitution, Art. V, Sec. 11(1)). On final passage, the
16 vote must be taken by ayes and noes and the names of those
17 voting entered on the journal (Montana Constitution, Art. V,
18 Sec. 11(2)).

19 (2) Any vote in one house on a bill proposing an
20 amendment to The Constitution of the State of Montana under
21 circumstances in which there exists the mathematical
22 possibility of obtaining the necessary two-thirds vote of
23 the Legislature will cause the bill to progress as though it
24 had received the majority vote.

25 10-150. Recording and publication of voting. (1) Every

1 vote of each member on each substantive question in the
2 Legislature, in any committee, or in Committee of the Whole
3 must be recorded and made public. On final passage of any
4 bill or joint resolution, the vote must be taken by ayes and
5 noes and the names entered on the journal.

6 (2) Roll call votes must be taken by ayes and noes and
7 the names entered on the journal on adopting an adverse
8 committee report and on those motions made in Committee of
9 the Whole to:

- 10 (a) amend;
- 11 (b) recommend passage or nonpassage;
- 12 (c) recommend concurrence or nonconcurrence; or
- 13 (d) indefinitely postpone.

14 (3) A roll call vote must be taken on nonsubstantive
15 questions on the request of two members who may, on any
16 vote, request that the ayes and noes be spread upon the
17 journal.

18 (4) Roll call votes and other votes that are to be made
19 public but are not specifically required to be spread upon
20 the journal must be entered in the minutes of the
21 appropriate committee or of the appropriate house (Montana
22 Constitution, Art. V, Sec. 11(2)). A copy of the minutes
23 must be filed with the Montana Historical Society.

24 10-160. Journal. Each house shall:

- 25 (1) supply the Legislative Council with the contents of

1 the daily journal to be stored on an automated system;
2 (2) examine its journal and order correction of any
3 errors; and
4 (3) distribute a daily journal to all members.

5 10-170. Journals -- authentication -- distribution. (1)
6 The journal of the Senate must be authenticated by the
7 signature of the President and the journal of the House of
8 Representatives by the signature of the Speaker.

9 (2) The Legislative Council shall distribute the
10 completed journals (sections 5-11-201 through 5-11-203,
11 MCA).

CHAPTER 30 COMMITTEES

14 30-10. Committee chairman. Except as provided in Joint
15 Rules RULE 30-50 and--30-60, the chairman of the Senate
16 committee is the chairman of all joint committees.

17 30-20. Voting in joint committees. (1) Except for Rules
18 Committees and conference committees, a member of a joint
19 committee votes individually and not by the house of which
20 he or she is a member.

21 (2) Because the Rules Committees and conference
22 committees are joint meetings of separate committees, in
23 those committees the committees from each house vote
24 separately. A majority of each committee must agree before
25 any action may be taken, unless otherwise specified by

1 individual house rules.

2 30-30. Conference committees. (1) If either house
3 requests a conference and appoints a committee for the
4 purpose of discussing an amendment on which the two houses
5 cannot agree, the other house shall appoint a committee for
6 the same purpose. The time and place of all conference
7 committee meetings must be agreed upon by their chairmen and
8 announced from the rostrum. This announcement is in order at
9 any time. Failure to make this announcement does not affect
10 the validity of the legislation being considered.

11 (2) A conference committee, having conferred, shall
12 report to the respective houses the result of its
13 conference. A conference committee shall confine itself to
14 consideration of the disputed amendment. The committee may
15 recommend:

16 (a) acceptance or rejection of each disputed amendment
17 in its entirety; or

18 (b) further amendment of the disputed amendment.

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

24 30-40. Conference committee -- enrolling. A conference
25 committee report shall give clerical instructions for a

1 corrected reference bill and for enrolling by referring to
2 the reference bill version.

3 30-50. Committee consideration of appropriation bills.
4 (1) All bills providing for an appropriation of public money
5 may first be considered by a joint committee composed of the
6 members of the Senate Committee on Finance and Claims and
7 the House Committee on Appropriations, and then by each
8 separately.

9 (2) Meetings of the joint committee must be held upon
10 call of the chairman of the House Committee on
11 Appropriations, who is chairman of the joint committee.

12 30-60. Estimation of revenue. (1) The Revenue Oversight
13 Committee shall introduce a House JOINT resolution for the
14 purpose of estimating revenue that may be available for
15 appropriation by the Legislature.

16 (2) Meetings of the Revenue Oversight Committee for
17 purposes of estimating revenue must be held upon the call of
18 the chairman. The Revenue Oversight Committee shall issue
19 periodic reports to each of the houses, indicating the
20 committee's current revenue projections. ~~The reports must be~~
21 ~~issued on the 40th day and the 60th day.~~

22 30-70. Oversight of joint legislative agencies and
23 committees. The President of the Senate, the Speaker of the
24 House, and the minority leaders of the Senate and the House
25 comprise a legislative management committee which shall meet

1 from time to time at the request of one of its members to
 2 review and oversee the activities of joint agencies and
 3 committees of the legislative branch established by law or
 4 resolution. The committee may consider, without limitation,
 5 matters concerning jurisdictional disputes between joint
 6 agencies and committees, agency salary schedules and
 7 employment policies, and any other matter bearing upon the
 8 efficient operation of the legislative branch. The committee
 9 may make such recommendations as it chooses to the
 10 appropriate authority or the Legislature.

11 CHAPTER 40
 12 LEGISLATION

13 **40-10. Amendment to state constitution.** A bill must be
 14 used to propose an amendment to The Constitution of the
 15 State of Montana. The bill is not subject to the veto of the
 16 Governor (Montana Constitution, Art. VI, Sec. 10(1)).

17 **40-20. Appropriation bills.** (1) All appropriation bills
 18 must originate in the House of Representatives.

19 (2) Appropriation bills for the operation of the
 20 Legislature must be introduced by the chairman of the House
 21 Committee on Appropriations.

22 **40-30. Effective dates.** (1) Every statute, except one
 23 that provides for appropriation by the Legislature of public
 24 funds for a public purpose, takes effect on October 1
 25 following its passage and approval, unless a different time

1 is prescribed therein.

2 (2) A law appropriating public funds for a public
 3 purpose takes effect on July 1 following its passage and
 4 approval, unless a different time is prescribed therein.

5 (3) A joint resolution takes effect on its passage
 6 unless a different time is prescribed therein (sections
 7 1-2-201 and 1-2-202, MCA).

8 **40-40. Bill requests and introduction -- limits and**
 9 **procedures.** (1) Prior to a regular session, a person
 10 entitled to serve in that session, hereafter referred to as
 11 a "member", is entitled to request bill drafting services
 12 from the Legislative Council, subject to the following
 13 limits:

14 (a) Prior to 5 p.m. on December 5 preceding a regular
 15 session of the Legislature, a member may request an
 16 unlimited number of bills and resolutions to be prepared by
 17 the Legislative Council for introduction in the regular
 18 session.

19 (b) After 5 p.m. on December 5, a member may request no
 20 more than seven bills or resolutions to be prepared by the
 21 Legislative Council. At least two of the seven bills or
 22 resolutions must be requested before the regular session
 23 convenes.

24 (c) After December 5, a member, in the member's
 25 discretion, may grant to any other member any of the

1 remaining bill or resolution requests the granting member
2 has not used.

3 (d) These limitations on bill and resolution requests
4 do not apply to:

5 (i) Code Commissioner bills;

6 (ii) a bill or resolution requested by a standing
7 committee; and

8 (iii) a bill or resolution requested by a member at the
9 request of a newly elected state official if so designated.

10 (2) Bills and resolutions must be reviewed by the staff
11 of the Legislative Council prior to introduction for proper
12 format, style, and legal form. The staff of the Legislative
13 Council shall store bills on the automated bill drafting
14 equipment and shall print and deliver them in triplicate to
15 the requesting members. The original bill cover must be
16 signed to indicate review by the Legislative Council. A bill
17 may not be introduced unless it is so signed.

18 (3) During a session, a bill may be introduced by
19 endorsing it with the name of a member and presenting it in
20 triplicate to the Chief Clerk of the House of
21 Representatives or the Secretary of the Senate. Bills or
22 joint resolutions may be sponsored jointly by Senate and
23 House members. A jointly sponsored bill must be introduced
24 in the house in which the member whose name appears first on
25 the bill is a member. The chief joint sponsor's name must

1 appear immediately to the right of the first sponsor's name.
2 In each session of the Legislature, bills, joint
3 resolutions, and simple resolutions must be numbered
4 consecutively in separate series in the order of their
5 receipt.

6 (4) Any bill proposed by a legislative committee or
7 introduced by request of an administrative or executive
8 agency or department must be so indicated by placing after
9 the names of the sponsors the phrase "By Request of the
10 (Name of committee or agency)".

11 (5) Bills may be preintroduced, numbered, and
12 reproduced prior to a legislative session by the staff of
13 the Legislative Council. Actual signatures of persons
14 entitled to serve as members in the ensuing session may
15 appear on the face of the preintroduced bill, or signatures
16 may be obtained on a consent form from the Legislative
17 Council and the sponsor's name printed on the bill.
18 Additional sponsors may be added on motion of the chief
19 sponsor at any time prior to a standing committee report on
20 the bill. These names will be forwarded to the Legislative
21 Council to be included on the face of the bill following
22 standing committee approval.

23 (6) All preintroduced bills must be made available to
24 the public.

25 40-50. Schedules for drafting requests and bill

1 introduction. The following schedules must be followed for
2 submission of drafting requests and introduction of bills
3 and resolutions.

Request	Introduction
Deadline	Deadline
5:00 P.M.	5:00 P.M.
Legislative	Legislative

Day	Day
-----	-----

10 General Bills and Resolutions	10	14
11 Revenue Bills	17	21
12 Committee Bills and Resolutions	36	40
13 Committee Revenue Bills	62	66
14 Committee Bills implementing	75	78
15 provisions of a general		
16 appropriation act		
17 Bills and Resolutions delivered after the applicable		
18 introduction deadline must be introduced within 2		
19 legislative days after delivery.		
20 Appropriation Bills	No	No
21	Deadline	Deadline
22 Interim study resolutions	No	No
23	Deadline	Deadline
24 Resolutions to express	No	No
25 confirmation of appointments	Deadline	Deadline

1 Bills repealing or directing	No	No
2 the amendment or adoption of	Deadline	Deadline
3 administrative rules and		
4 joint resolutions advising		
5 or requesting the repeal,		
6 amendment, or adoption of		
7 administrative rules		

8 40-60. Joint resolutions. (1) A joint resolution must
9 be adopted by both houses and is not approved by the
10 Governor. It may be used to:

11 (a) express desire, opinion, sympathy, or request of	
12 the Legislature;	
13 (b) request an interim study by a legislative	
14 subcommittee;	
15 (c) adopt, amend, or repeal the joint rules;	
16 (d) set salaries and other terms of employment for	
17 legislative employees;	
18 (e) approve construction of a state building under	
19 section 18-2-102 or 20-25-302, MCA;	
20 (f) deal with disasters and emergencies under Title 10,	
21 specifically as provided in sections 10-3-302(3),	
22 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;	
23 (g) submit a negotiated settlement under section	
24 39-31-305(3), MCA;	
25 (h) declare or terminate an energy emergency under	

1 section 90-4-310, MCA;

2 (i) ratify or propose amendments to the United States
3 Constitution; or

4 (j) advise or request the repeal, amendment, or
5 adoption of a rule in the Administrative Rules of Montana.

6 (2) Except as otherwise provided in these rules or The
7 Constitution of the State of Montana, a joint resolution is
8 treated in all respects as a bill.

9 (3) A copy of every joint resolution must be
10 transmitted after adoption to the Secretary of State by the
11 Secretary of the Senate or the Chief Clerk of the House.

12 40-70. Bills with same purpose -- vetoes. (1) A bill
13 may not be introduced or received in a house after that
14 house, during that session, has finally rejected a bill
15 designed to accomplish the same purpose, except with the
16 approval of the Rules Committee of the house in which the
17 bill is offered for introduction or reception.

18 (2) Failure to override a veto does not constitute
19 final rejection.

20 40-80. Reproduction of full statute required. A statute
21 may not be amended or its provisions extended by reference
22 to its title only, but the statute section that is amended
23 or extended must be reproduced or published at length.

24 40-90. Bills -- original purpose. A law may not be
25 passed except by bill. A bill may not be so altered or

1 amended on its passage through either house as to change its
2 original purpose (Montana Constitution, Art. V, Sec. 11(1)).
3 40-100. Fiscal notes. (1) As provided in Title 5,
4 chapter 4, part 2, MCA, all bills reported out of a
5 committee of the Legislature having an effect on the
6 revenues, expenditures, or fiscal liability of the state,
7 except appropriation measures carrying specific dollar
8 amounts, must include a fiscal note incorporating an
9 estimate of the fiscal effect. The Legislative Council staff
10 shall indicate at the top of each bill prepared for
11 introduction that a fiscal note may be necessary under this
12 rule. Fiscal notes must be requested by the presiding
13 officer of either house, who, at the time of introduction,
14 shall determine the need for the note, based on the
15 Legislative Council staff recommendation.

16 (2) Unless the requesting member directs otherwise, the
17 Legislative Council shall deliver three copies of any bill
18 for which it has been determined a fiscal note may be
19 necessary to the state Budget Director immediately after the
20 bill has been prepared for introduction and delivered to the
21 requesting member. The Budget Director may proceed with the
22 preparation of a fiscal note in anticipation of a subsequent
23 formal request.

24 (3) The Budget Director, in cooperation with the agency
25 or agencies affected by the bill, is responsible for the

1 preparation of the fiscal note. He shall return the fiscal
2 note within 6 days unless further time is granted by the
3 presiding officer or committee making the request, based
4 upon a written statement from the Budget Director that
5 additional time is necessary to properly prepare the note.
6 (4) A completed fiscal note must be submitted by the
7 Budget Director to the presiding officer who requested it.
8 The presiding officer shall refer it to the committee
9 considering the bill. All fiscal notes must be reproduced
10 and placed on the members' desks.

11 (5) A fiscal note must, if possible, show in dollar
12 amounts:

13 (a) the estimated increase or decrease in revenues or
14 expenditures;

15 (b) costs that may be absorbed without additional
16 funds; and

17 (c) long-range financial implications.

18 (6) The fiscal note may not include any comment or
19 opinion relative to merits of the bill. However, technical
20 or mechanical defects in the bill may be noted.

21 (7) A fiscal note also may be requested on a bill and
22 on an amendment by:

23 (a) a committee considering the bill;

24 (b) a majority of the members of the house in which the
25 bill is to be considered, at the time of second reading; or

1 (c) the chief sponsor, through the presiding officer.
2 (8) The Budget Director shall make available on request
3 to any member of the Legislature all background information
4 used in developing a fiscal note.

5 40-110. Sponsor's fiscal note. (1) If a sponsor elects
6 to request the preparation of a sponsor's fiscal note
7 pursuant to section 5-4-204, MCA, he shall make the election
8 as provided and return the completed sponsor's fiscal note
9 to the presiding officer within 4 days of the election.

10 (2) The presiding officer may grant additional time to
11 the sponsor for preparation of the sponsor's fiscal note.

12 (3) Upon receipt of the completed sponsor's fiscal
13 note, the presiding officer shall refer it to the committee
14 hearing the bill. If the bill is printed, the note must be
15 identified as a sponsor's fiscal note, reproduced, and
16 placed on the members' desks.

17 (4) The Legislative Council shall provide forms for
18 preparation of sponsors' fiscal notes and shall print the
19 completed sponsors' fiscal notes on a different color paper
20 than the fiscal notes prepared by the Budget Director.

21 40-120. Substitute bills. (1) A committee may recommend
22 that every clause in a bill be changed and that entirely new
23 material be substituted so long as the new material is
24 relevant to the title and subject of the original bill. The
25 substitute bill is considered an amendment and not a new

1 bill.

2 (2) The proper form of reporting a substitute bill by a
3 committee is to propose amendments to strike out all of the
4 material following the enacting clause, to substitute the
5 new material, and to recommend any necessary changes in the
6 title of the bill.

7 (3) If a committee report is adopted that recommends a
8 substitute for a bill originating in the other house, the
9 substitute bill must be printed and reproduced.

10 40-130. Reading of bills, Prior to passage a bill must
11 be read three times in the house in which it is under
12 consideration. It may be read either by title or by summary
13 of title.

14 40-140. Second reading -- bill reproduction. (1) If the
15 majority of a house adopts a recommendation for the passage
16 of a bill originating in that house after the bill has been
17 returned from a committee with amendments, the bill must be
18 reproduced on yellow paper with all amendments incorporated
19 into the copies.

20 (2) If a bill has been returned from a committee
21 without amendments, only the first sheet must be reproduced
22 on yellow paper, and the remainder of the text may be
23 incorporated by reference to the preceding version of the
24 entire bill.

25 40-150. Engrossing. (1) When a bill has been reported

1 favorably by Committee of the Whole of the house in which it
2 originated and the report has been adopted, the bill must be
3 engrossed. Committee of the Whole amendments must be
4 included in the engrossed bill. The bill must be placed on
5 the calendar for third reading on the succeeding legislative
6 day.

7 (2) Copies of the engrossed bill to be distributed to
8 members are reproduced on blue paper. If a bill is unamended
9 by the Committee of the Whole and contains no clerical
10 errors, it may be engrossed without reprinting. Only the
11 first sheet must be reproduced on blue paper, with the
12 remainder of the text incorporated by reference to the
13 preceding version of the entire bill.

14 (3) If a bill is amended by a standing committee or
15 Committee of the Whole in the second house, the amendments
16 must be included in a salmon-colored reference bill and
17 distributed in the second house for third reading
18 consideration. The amendments also must be reproduced and
19 attached to the reference bill. If the bill passes on third
20 reading, copies of the reference bill and second house
21 amendments must be distributed in the original house.

22 40-160. Enrolling. (1) When a bill has passed both
23 houses, it must be enrolled. An original and two duplicate
24 printed copies of the bill must be enrolled, free from all
25 errors, with a margin of two inches at the top and one inch

1 on each side. In sections amending existing statutes, new
2 matter must be underlined and deleted matter must be shown
3 as stricken. The history of the bill also must be enrolled
4 and placed with the bill in a white manuscript cover, upon
5 which is written the number of the bill and the title. The
6 Legislative Council staff shall file a copy of the history
7 with the law library.

8 (2) When the enrolling is completed, the bill must be
9 examined by the sponsor.

10 (3) The correctly enrolled bill must be delivered to
11 the presiding officer of the house in which the bill
12 originated. The presiding officer shall sign the original
13 and two copies of each bill delivered to him not later than
14 the next legislative day after it has been reported
15 correctly enrolled, unless the bill is delivered on the last
16 legislative day, in which case he shall sign it that day.

17 The fact of signing must be announced by the presiding
18 officer and entered upon the journal no later than the next
19 legislative day. At any time after the report of a bill
20 correctly enrolled and before the signing, if a member
21 signifies his desire to examine the bill, he must be
22 permitted to do so. The bill then must be transmitted to the
23 other house where the same procedure must be followed.

24 (4) A bill that has passed both houses of the
25 Legislature by the 90th day may be:

1 (a) enrolled;
2 (b) clerically corrected by the presiding officers, if
3 necessary;

4 (c) signed by the presiding officers; and
5 (d) delivered to the Governor or, in the case of a bill
6 proposing a referendum, to the Secretary of State, not later
7 than 5 working days after the 90th legislative day.

8 (5) All journal entries authorized under this rule must
9 be entered on the journal for the 90th day.

10 (6) The original and two copies signed by the presiding
11 officer of each house must be presented to the Governor or
12 the Secretary of State, as applicable, in return for a
13 receipt. A report then must be made to the house of the day
14 of the presentation, which must be entered on the journal.

15 (7) The original must be filed with the Secretary of
16 State. Signed copies with chapter numbers assigned pursuant
17 to section 5-11-204, MCA, must be filed with the Clerk of
18 the Supreme Court and the Legislative Council.

19 40-170. Amendment by second house. (1) Amendments to a
20 bill by the second house may not be further amended by the
21 house in which the bill originated, but must be either
22 accepted or rejected. If the amendments are rejected, a
23 conference committee may be requested by the house in which
24 the bill originated. If the amendments are accepted and the
25 bill is of a type requiring more than a majority vote for

1 passage, the bill again must be placed on third reading in
2 the house of origin.

3 (2) The vote on third reading after concurrence in
4 amendments is the vote of the house of origin that must be
5 used to determine if the required number of votes has been
6 cast.

7 40-180. Final action on a bill. When a bill being heard
8 by the second house has received its third reading or has
9 been rejected, the second house must transmit it as soon as
10 possible to the original house with notice of the second
11 house's action.

12 40-190. Transmittal of bills between houses. (1) Each
13 house shall transmit to the other with any bill all relevant
14 papers.

15 (2) When a House bill is transmitted to the Senate, the
16 Secretary of the Senate shall give a dated receipt for the
17 bill to the Chief Clerk of the House. When a Senate bill is
18 transmitted to the House of Representatives, the Chief Clerk
19 of the House shall give a dated receipt to the Secretary of
20 the Senate.

21 40-200. Transmittal deadlines. (1) (a) A bill or
22 amendment transmitted after the deadline established in this
23 subsection (1) may be considered by the receiving house only
24 upon approval of two-thirds of its members present and
25 voting. If the receiving house does not so vote, the bill or

1 amendment must be held pending in the house to which it was
2 transmitted.

3 (b) (i) A bill, except for an appropriation bill, a
4 revenue bill, or amendments considered by joint committee,
5 must be transmitted from one house to the other on or before
6 the 45th legislative day.

7 (ii) Amendments, except to appropriation bills and
8 revenue bills, must be transmitted from one house to the
9 other on or before the 73rd legislative day.

10 (c) (i) Revenue bills originating in the Senate must be
11 transmitted to the House on or before the 71st legislative
12 day.

13 (ii) House amendments to Senate revenue bills must be
14 transmitted by the House to the Senate on or before the 82nd
15 legislative day.

16 (iii) Revenue bills originating in the House must be
17 transmitted to the Senate on or before the 71st legislative
18 day.

19 (iv) Senate amendments to House revenue bills must be
20 transmitted by the Senate to the House on or before the 82nd
21 legislative day.

22 (v) A revenue bill is one that either increases or
23 decreases revenue.

24 (d) (i) Appropriation bills and any bill implementing
25 provisions of a general appropriation bill must be

1 transmitted to the Senate on or before the 67th legislative
2 day.

3 (ii) Senate amendments to appropriation bills must be
4 transmitted by the Senate to the House on or before the 80th
5 legislative day.

6 (2) (a) A joint resolution introduced for the purpose
7 of estimating revenue available for appropriation by the
8 Legislature must be transmitted no later than the 60th
9 legislative day.

10 (b) Amendments to the resolutions must be transmitted
11 to the house of origin no later than the 82nd legislative
12 day.

13 (3) Interim study resolutions, bills repealing or
14 directing the amendment or adoption of administrative rules,
15 and joint resolutions advising or requesting the repeal,
16 amendment, or adoption of administrative rules may be
17 transmitted at any time during a session.

18 40-210. Governor's veto. (1) Each bill passed by the
19 Legislature must be submitted to the Governor for his
20 signature. This does not apply to:

21 (a) bills proposing amendments to the Constitution of
22 the State of Montana;

23 (b) bills ratifying proposed amendments to the United
24 States Constitution;

25 (c) resolutions; and

(d) referendum measures of the Legislature.

(2) If the Governor does not sign or veto the bill
within 5 days after its delivery to him if the Legislature
is in session or within 25 days if the Legislature is
adjourned, the bill becomes law.

(3) The Governor shall return a vetoed bill to the
Legislature with a statement of his reasons for the veto.

(4) If after receipt of a veto message, two-thirds of
the members of each house present approve the bill, it
becomes law.

(5) If the Legislature is not in session when the
Governor vetoes a bill, he shall return the bill with his
reasons for the veto to the Legislature as provided by law.
The Legislature may be polled on a bill that it approved by
two-thirds of the members present or it may be reconvened to
reconsider any bill so vetoed (Montana Constitution, Art.
VI, Sec. 10).

(6) The Governor may veto items in appropriation bills,
and in these instances the procedure must be the same as
upon veto of an entire bill (Montana Constitution, Art. VI,
Sec. 10).

40-220. Response to Governor's veto. (1) When the
presiding officer receives a veto message, he shall read it
to the members over the rostrum. After the reading, a member
may move that the Governor's veto be overridden.

1 (2) A vote on the motion is determined by roll call. If
2 two-thirds of the members present vote "aye", the veto is
3 overridden. If two-thirds of the members present do not vote
4 "aye", the veto is sustained.

5 40-230. Governor's recommendations for amendment. (1)
6 The Governor may return any bill to the Legislature with his
7 recommendations for amendment.

8 (2) If the Legislature passes the bill in accordance
9 with the Governor's recommendations, it shall return the
10 bill to the Governor for his reconsideration. The Governor
11 may not return a bill to the Legislature a second time for
12 amendment.

13 (3) If the Governor returns a bill to the originating
14 house with his recommendations for amendment, the house
15 shall reconsider the bill under its rules relating to
16 amendments offered in Committee of the Whole.

17 (4) The bill then is subject to the following
18 procedures:

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

24 (b) If both houses approve the Governor's
25 recommendations, the bill must be returned to the Governor

1 for his reconsideration.

2 (c) If both houses disapprove the Governor's
3 recommendations, the bill must be returned to the Governor
4 for his reconsideration.

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

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

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

CHAPTER 60

RULES

19 60-10. Suspension of joint rule -- change in rules. (1)
20 A joint rule may be repealed or amended only with the
21 concurrence of both houses, under the procedures adopted by
22 each house for the repeal or amendment of its own rules.

23 (2) A joint rule governing the procedure for handling
24 bills may be temporarily suspended by the consent of
25 two-thirds of the members of either house, insofar as it

1 applies to the house suspending it.

2 (3) Any Rules Committee report recommending a change in
3 the joint rules must be referred to the other house. Any new
4 rule or any change in the rules of either house must be
5 transmitted to the other house for informational purposes.

6 (4) Upon adoption of any change, the Secretary of the
7 Senate and the Chief Clerk of the House of Representatives
8 shall provide the office of the Legislative Council:

9 (a) one copy of all motions or resolutions amending
10 Senate, House, or joint rules; and

11 (b) copies of all minutes and reports of the Rules
12 Committees.

13 60-20. Reference to Mason's Manual. Mason's Manual of
14 Legislative Procedure (1989) governs the proceedings of the
15 Senate and the House of Representatives in all cases not
16 covered by these rules.

17 60-30. Publication and distribution of joint rules. (1)
18 The Legislative Council shall codify and publish in one
19 volume:

20 (a) the rules of the Senate;

21 (b) the rules of the House of Representatives; and

22 (c) the joint rules of the Senate and the House of
23 Representatives.

24 (2) After the rules have been published, the
25 Legislative Council shall distribute copies as directed by

1 the Senate and the House of Representatives.

2 CHAPTER 70

3 STATEMENT OF LEGISLATIVE INTENT

4 70-10. Definition. (1) For the purpose of compliance
5 with the Legislative History Act (Title 5, chapter 4, part
6 4, MCA), a statement of legislative intent regarding a bill
7 must express the common understanding of those components of
8 the Legislature voting on the bill.

9 (2) This statement differs from a purpose clause, which
10 is used in general to describe the broad overall objectives
11 of a bill. A statement of intent is used to guide the
12 details of interpretation by those charged with
13 implementation of the bill and is phrased in terms of
14 contingencies, examples, or other matter inappropriate for
15 expression as statutory language.

16 70-20. Limitation. A statement of intent may not
17 accompany any bill that does not statutorily require one
18 unless a committee (standing committee, Committee of the
19 Whole or conference committee) agrees by a two-thirds vote
20 to attach the statement.

21 70-30. Statement of intent to accompany bill -- when --
22 how. A statement of intent must accompany a bill as follows:

23 (1) A statement of intent is required for a bill
24 delegating new rulemaking or licensing authority.

25 (2) A statement of intent must be included with the

1 introduced bill for a bill requiring one. If a bill is found
2 to require a statement of intent at any time in the
3 legislative process, a statement of intent may be added
4 under the procedure for amending a bill.

5 (3) A statement of intent must be included as a part of
6 the bill between the title and the enacting clause under the
7 heading "Statement of Intent".

8 70-40. Modification. Any committee considering a bill
9 may recommend amendment of a previous statement of intent or
10 recommend inclusion of a statement of intent. The statement
11 of intent must be reflected in the history of the bill.

12 70-50. Conference committee on statement of intent
13 only. (1) If the second house concurs in a bill without
14 amendments but amends or supersedes a previous statement of
15 intent, the bill may not be enrolled until both houses have
16 agreed on a statement of intent. If the statement of intent
17 is attached to a bill that does not statutorily require one,
18 the conference committee can delete the statement in its
19 entirety.

20 (2) A new statement of intent written by the second
21 house must be processed in the same manner as a second house
22 amendment.

23 (3) A regular conference committee may be appointed
24 solely to resolve differences of intent if the second
25 house's statement of intent is not so accepted.

--End--