

SENATE JOINT RESOLUTION NO. 2

INTRODUCED BY STEPHENS

IN THE SENATE

January 11, 1979

Introduced and referred
to Committee on Rules.

Committee recommend bill
do pass. Report adopted.

On motion rules suspended.
Bill referred to second
reading for consideration
this day.

Second reading, do pass.

On motion rules suspended.
Bill placed on calendar
for third reading this day.

Third reading, passed.
Transmitted to second house.

IN THE HOUSE

January 11, 1979

Introduced and referred to
Committee on Rules.

Committee recommend bill
be concurred in. Report adopted.

On motion rules suspended
and bill placed on Second
Reading this day.

Second reading, be
concurred in.

On motion rules suspended
and bill placed on third
reading this day.

Third reading, be concurred
in.

IN THE SENATE

January 12, 1979

Returned from second house.
Be concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* JOINT RESOLUTION NO. 2
 2 INTRODUCED BY *D. St. John*

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

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 INTRODUCED BILL

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 presiding officer shall certify the payroll
 10 as prepared by Legislative Council staff.

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
 3 2-1. The hour of meeting of the Senate and House of
 4 Representatives may be as ordered by the Senate or House.

5 2-2. Lobbying on the floor of the Senate or House of
 6 Representatives is prohibited during the session and within
 7 one hour prior to the commencement of a session and within
 8 one-half hour after recess or adjournment.

9 2-3. The sessions of the legislature and of the
 10 Committee of the Whole, all committee meetings, and all
 11 hearings shall be open to the public (Montana Constitution,
 12 Art. V, Sec. 10(3)).

13 2-4. Neither house shall, without the consent of the
 14 other, adjourn or recess for more than three days, nor to
 15 any other place than that in which the two houses shall be
 16 sitting (Montana Constitution, Art. V, Sec. 10(5)).

17 2-5. A majority of each house shall constitute a quorum
 18 to do business, but a smaller number may adjourn from day to
 19 day, and compel the attendance of absent members, in such
 20 manner and under such penalties as each house may prescribe
 21 (Montana Constitution, Art. V, Sec. 10(2)).

22 2-6. Unless he is excused, a member of the House or
 23 Senate shall be present at every sitting of the house of
 24 which he is a member.

25 2-7. In the absence of a quorum, a majority of members

1 present in either house may compel the attendance of absent
2 members by ordering a call of the house of which they are
3 members.

4 2-8. If a quorum is present, five members of the Senate
5 may order a call of the Senate, and fifteen members of the
6 House of Representatives may order a call of the House.

7 2-9. On a call of either house, a member who refuses to
8 attend may be arrested by the sergeant-at-arms or any other
9 person, as the majority of such members present shall
10 direct. When the attendance of an absent member is secured
11 after a call of either house, if the house of which he is a
12 member refuses to excuse his absence, he shall not be paid
13 any per diem during his absence and is liable for the
14 expenses incurred in procuring his attendance.

15 2-10. During a call of either house, all business of
16 that house shall be suspended. After a call has been ordered
17 no motion is in order except a motion to adjourn or remove
18 the call. The call may be removed by a two-thirds vote.

19 2-11. If either house is in session upon a given day,
20 whether or not the other house is in session, that day shall
21 constitute a legislative day.

22 CHAPTER 3

23 Legislative Employees

24 3-1. The legislature shall prescribe the compensation
25 of the officers and employees of each house by joint

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

6 3-2. The Legislative Council shall be responsible for
7 maintaining personnel files.

8 3-3. The committee on legislative administration of
9 each house shall appoint secretaries for standing or special
10 committees on recommendation of the committee chairman,
11 subject to the approval of the respective houses. A
12 secretary for a standing or special committee is immediately
13 responsible to the committee chairman, but when not occupied
14 with the duties of a committee, shall work under the
15 direction of the chief stenographer of each house. The
16 Legislative Council shall hire all engrossing and enrolling
17 typists and proofreaders who are under the direction of the
18 bills committee.

19 3-4. The presiding officer and the majority and
20 minority floor leader of each house may each appoint a
21 private secretary.

22 3-5. The secretary of the Senate and chief clerk of the
23 House of Representatives are responsible to the presiding
24 officers of their respective houses. Their duties are:

25 (a) to have custody of all records, bills, documents

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1 and other papers;

2 (b) to supervise the making and examination of the
3 journal and the handling of bills and resolutions;

4 (c) to deliver to the appropriate officers or offices,
5 as set forth in these rules during the session or at the
6 close of each session, the journal, bill books and
7 resolution books, and all copies of introduced and engrossed
8 bills and joint resolutions;

9 (d) to collect from the chairman or secretaries of all
10 standing committees, special committees, Committees of the
11 Whole, and conference committees, the minutes of such
12 committees and deliver them to the state historical society.

13 3-6. Journal clerks, bill clerks, typists, and other
14 employees responsible for legislative functions, except
15 secretaries for standing or special committees, secretaries
16 to presiding officers, and secretaries to majority and
17 minority floor leaders, are immediately responsible to the
18 secretary of the Senate or the chief clerk of the House,
19 subject to the general supervision of the presiding officer.

20 3-7. The duties of the engrossing and enrolling clerks
21 are:

22 (a) to engross or enroll all bills delivered to them
23 within forty-eight hours after they have been received,
24 unless further time is granted, in writing, by the presiding
25 officer of the house in which the bill originated;

1 (b) to correct clerical errors, with the consent of
2 the secretary of the Senate or chief clerk of the House of
3 Representatives, in any bill originating in the house by
4 which they are employed. Clerical errors such as the
5 following may be corrected:

6 (i) errors in spelling

7 (ii) errors in numbering sections

8 (iii) adding or deleting underlining or lines through
9 matter to be stricken

10 (iv) material copied incorrectly from the Montana Code
11 Annotated.

12 The secretary of the Senate or chief clerk of the House
13 shall obtain written permission from the principal sponsor
14 before such corrections are made.

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

18 3-8. (1) The sergeants-at-arms are responsible to the
19 presiding officers of their respective houses. Their duties
20 are:

21 (a) to maintain order under the direction of the
22 presiding officer;

23 (b) to execute commands and serve all processes;

24 (c) to receive, distribute and have custody of
25 supplies.

1 3-9. The assistant sergeant-at-arms, doorkeepers,
2 watchmen, janitors, pages and other employees responsible
3 for general housekeeping functions are immediately
4 responsible to the sergeant-at-arms, subject to the general
5 supervision of the presiding officer.

6 3-10. The duties of the chaplain of each house are to
7 open each day's session with a prayer.

8 3-11. A legislative aide is a person who has registered
9 with the clerk of the House or secretary of the Senate and
10 has been issued a distinctive identification form such as a
11 name tag. Such identification may be issued only upon
12 receiving written verification from a member that the person
13 involved is serving him as an aide. A person may not
14 represent himself to be a legislative aide unless he carries
15 such identification. The sergeants-at-arms and doorkeepers
16 shall enforce this rule. Legislative aides must be of legal
17 age unless otherwise approved by the presiding officer.

18 No member may designate more than one aide without the
19 approval of the Rules Committee of the house involved.

20 Qualifications for legislative interns are specified in
21 Title 5, chapter 6, MCA.

22 3-12. An employee, legislative aide or legislative
23 intern of either house is prohibited from lobbying as
24 defined in Section 5-7-102(1), MCA. However, such person may
25 testify before a committee of either house on the request of

1 the committee. Any person violating this rule shall be
2 discharged.

3 3-13. Disputes or complaints involving the competency
4 or decorum of a legislative employee shall be referred to
5 the committee on legislative administration of the house by
6 which the employee is employed. The committee, in its
7 discretion, may dismiss, suspend or retain the employee. The
8 committee on legislative administration shall periodically
9 review the roster of employees and shall dismiss surplus
10 employees.

11 3-14. The offices of the Legislative Council shall
12 serve both the Senate and House of Representatives as
13 required.

14 The Council staff shall prepare payrolls for signature
15 and prepare a bimonthly financial report and distribute the
16 report to legislative leaders in each house and to members
17 of the Senate Committee on Finance and Claims and House
18 Committee on Appropriations.

19 3-15. Contracts for purchase or lease of equipment and
20 supplies made during the legislative session shall be made
21 on the approval of the committee on legislative
22 administration of each house, subject to the review of the
23 presiding officer of the respective house. Purchase orders
24 shall be issued by Legislative Council staff and accounting
25 records kept in that office.

CHAPTER 4

Order of Business

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

- (1) Communications and petitions
- (2) Reports of standing committees
- (3) Reports of select committees
- (4) Messages from the governor
- (5) Messages from the other house
- (6) Motions
- (7) First reading and commitment of bills
- (8) Second reading of bills (Committee of the Whole)
- (9) Third reading of bills and consent calendar bills
- (10) Unfinished business
- (11) Special orders of the day
- (12) Announcement of committee meetings.

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

CHAPTER 5

Motions

5-1. When a motion is made it shall be restated by the presiding officer, and, if requested by the presiding

officer or a member, shall be reduced to writing and read aloud. A motion may be withdrawn by the member making it at any time before it is amended or voted upon.

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

- (1) to adjourn
- (2) for a call of the house
- (3) to recess
- (4) question of privilege
- (5) to lay on the table
- (6) for the previous question
- (7) to postpone to a certain day
- (8) to refer or commit
- (9) to amend
- (10) to postpone indefinitely.

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

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

1 5-4. Any member may, on the day the vote was taken or
 2 on the next day the house in which the action was taken is
 3 in session, move to reconsider the question. A motion to
 4 reconsider may not be withdrawn after such next legislative
 5 day without the unanimous consent of the house concerned,
 6 and thereafter any member may call it up for consideration;
 7 however, a motion to reconsider made after the fifty-fourth
 8 day of the session shall be disposed of when made. A motion
 9 to recall a bill from the other house constitutes notice to
 10 reconsider and shall be acted on as a motion to reconsider.
 11 A motion to reconsider or to recall a bill from the other
 12 house may be made only under order of business No. 6, and
 13 under that order of business takes precedence over all
 14 motions except motions to recess or adjourn.

15 5-5. When a motion to reconsider is laid on the table,
 16 a two-thirds majority is required to take it from the table.
 17 When a motion to reconsider fails, the question is finally
 18 and conclusively settled.

19 5-6. (1) Except as provided in subsection (2) of this
 20 rule, the effect of moving the previous question, if
 21 adopted, is to close debate immediately, to prevent the
 22 moving of amendments or other subsidiary motions, and to
 23 bring to vote promptly the immediately pending main question
 24 and the adhering subsidiary motions, whether on appeal or
 25 otherwise.

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

6 5-7. A call of the house is not in order after the
 7 previous question is ordered, unless it appears upon an
 8 actual count by the presiding officer that a quorum is not
 9 present.

10 5-8. The following motions are not debatable:

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

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

3 5-9. A member may move to divide a question if it
4 includes two or more propositions so distinct in substance
5 that if one thing is taken away a substantive question will
6 remain.

7 5-10. No more than one amendment and no more than one
8 substitute motion may be made to a motion. This rule permits
9 the main motion and two modifying motions.

10 CHAPTER 6

11 Bills and Resolutions

12 A. Form of Bills -- Definition of Resolutions -- General 13 Provisions

14 6-1. The only types of instruments other than bills
15 which may be introduced in either house of the legislature
16 are as follows:

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

1 the whole report. The transmittal of copies of simple
2 resolutions is the responsibility of the chief clerk or
3 secretary of the house of origin.

4 A copy of every simple resolution is to be transmitted
5 after adoption to the secretary of state by the secretary of
6 the Senate or chief clerk of the House.

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

17 A copy of every joint resolution is to be transmitted
18 after adoption to the secretary of state by the secretary of
19 the Senate or chief clerk of the House.

20 6-2. Bills shall be typewritten on paper eight and
21 one-half by eleven inches with twenty-five numbered lines,
22 and shall be introduced in quadruplicate. Pica type and a
23 good black ribbon must be used. Bills shall be numbered at
24 the foot of each page (except page one) and shall have white
25 covers of a substantial material. In sections amending

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

9 6-3. No bill, except general appropriation bills, and
 10 bills for the codification and general revision of the laws,
 11 shall contain more than one subject, which shall be clearly
 12 expressed in the title. The enacting clause of every law
 13 shall be as follows: "Be it enacted by the legislature of
 14 the state of Montana".

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

19 6-4. All appropriation bills shall originate in the
 20 House of Representatives.

21 The general appropriation bills shall embrace nothing
 22 but appropriations for the ordinary expenses of the
 23 legislative, executive and judicial branches of state
 24 government, interest on public debt and for public schools.
 25 All other appropriations shall be made by separate bills,

1 each embracing but one subject (Montana Constitution, Art.
 2 V, Sec. 11(4)). Appropriation bills for the operation of the
 3 legislature shall be introduced by the chairman of the House
 4 Committee on Appropriations.

5 6-5. Every statute, unless a different time is
 6 prescribed therein, takes effect on the first day of July of
 7 the year of its passage and approval. Every joint
 8 resolution, unless a different time is prescribed therein,
 9 takes effect from its passage (Sections 1-2-201 and 1-2-202,
 10 MCA).

11 B. Introduction

12 6-6. Bills will be checked by the staff of the
 13 Legislative Council prior to consideration by a committee of
 14 the legislature for proper format, style, and legal form. A
 15 stamp shall be affixed to the bill cover and initialed
 16 indicating this review. If such stamp is not affixed at the
 17 time the bill is delivered to the appropriate committee
 18 chairman, the chairman shall cause the bill to be
 19 transmitted to the Council for such review. Bills will be
 20 entered on the automated bill drafting equipment and typed
 21 to facilitate a more rapid reproduction. If a bill is not so
 22 entered prior to introduction, it will not be considered by
 23 any committee until it has been reviewed and entered. This
 24 review will be made after the eighteenth day. If the sponsor
 25 is notified of a problem with a bill and does not respond to

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1 the director of the Legislative Council within two
2 legislative days, the bill will be referred to the committee
3 on rules in the house where the bill was introduced.

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

12 Any bill proposed by a legislative committee or
13 introduced by request of an administrative or executive
14 agency or department shall be so indicated following the
15 names of the sponsors, "By Request of the _____
16 (Name of Agency or Committee)".

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

1 standing committee approval.

2 All prefiled bills will be made available to the
3 public.

4 6-7. Bills may be introduced until 5 p.m. on the
5 eighteenth legislative day, except revenue bills, committee
6 bills approved by the rules committee of the house in which
7 the committee bill originated, and appropriation bills.

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

16 Revenue bills must be introduced by 5 p.m. on the
17 twenty-first legislative day. Committee bills approved by
18 the rules committee of the house in which the committee bill
19 originated may be introduced by the fortieth legislative
20 day. There is no time limit for introduction of
21 appropriation bills.

22 Joint Resolutions affecting rules adopted in the
23 Montana Administrative Code may be introduced and
24 transmitted at any time during a session.

25 Requests for interim studies may be made by joint

1 resolution only and may be introduced and transmitted at any
2 time during a session.

3 [TO BE EFFECTIVE if these rules are adopted as
4 temporary rules of the 47th Legislature:

5 6-7. Bills may be introduced until 5 p.m. on the
6 fourteenth legislative day, except revenue bills, committee
7 bills approved by the rules committee of the house in which
8 the committee bill originated, and appropriation bills.

9 All bill drafting requests must be submitted to the
10 Legislative Council staff by 5 p.m. on the tenth legislative
11 day. A sponsor of a bill drafted pursuant to a timely
12 request, but which is not delivered by the fourteenth day by
13 the Legislative Council, shall have two legislative days
14 after delivery to introduce the bill. No other bills except
15 revenue and appropriation bills may be introduced after 5
16 p.m. on the fourteenth legislative day.

17 Revenue bills must be introduced by 5 p.m. on the
18 twenty-first legislative day. Committee bills approved by
19 the rules committee of the house in which the committee
20 bill originated may be introduced by the fortieth
21 legislative day. There is no time limit for introduction of
22 appropriation bills.

23 Joint Resolutions affecting rules adopted in the
24 Montana Administrative Code may be introduced and
25 transmitted at any time during a session.

1 Requests for interim studies may be made by joint
2 resolution only and may be introduced and transmitted at any
3 time during a session.]

4 6-8. No bill may be introduced or received in a house
5 after that house has finally rejected a bill during that
6 session designed to accomplish the same purpose save upon
7 approval by the rules committee of the house in which the
8 bill is offered for introduction or reception.

9 Failure to override a veto does not constitute final
10 rejection.

11 6-9. At least three-fourths of a standing committee
12 must consent to the introduction of a committee bill. Bill
13 drafting requests for committee-sponsored bills must be
14 received by the Legislative Council staff by 5 p.m. on the
15 thirty-eighth legislative day and require three-fourths vote
16 by the committee.

17 C. First Reading and Commitment

18 6-10. No motion affecting a bill is in order on its
19 first reading except as provided in Joint Rule 6-6.

20 Upon introduction or reception of a bill, the chief
21 clerk of the House or the secretary of the Senate shall
22 publicly post upon a listing that bill by a summary of its
23 title in the house of origin and by a summary of its title
24 and by its history in the second house, together with a
25 notation of the committee to which it has been assigned, and

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1 such posting shall constitute the first reading of the bill.

2 6-11. No bill shall be considered or become a law
3 unless referred to a committee and returned therefrom.

4 6-12. Upon introduction or reception of a bill, it
5 shall be referred to a committee by the presiding officer.

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

8 D. Amendments and Substitute Bills

9 6-14. No law shall be revised or amended, or the
10 provisions thereof extended by reference to its title only,
11 but so much thereof as is revised, amended or extended shall
12 be reenacted and published at length.

13 6-15. No law shall be passed except by bill, and no
14 bill shall be so altered or amended on its passage through
15 either house as to change its original purpose (Montana
16 Constitution, Art. V, Sec. 11(1)).

17 6-16. A committee may recommend that every clause in a
18 bill be changed and that entirely new matter be substituted
19 so long as the new matter is relevant to the title and
20 subject of the original bill. A substitute bill shall be
21 considered as an amendment and not as a new bill.

22 6-17. The proper form of reporting a substitute bill by
23 a committee is to propose amendments to strike out all of
24 the bill following the enacting clause and to substitute the
25 new bill, recommending also any necessary changes in the

1 title. If a committee report recommending a substitute for a
2 bill originating in the other house is adopted, the
3 substitute bill shall be printed.

4 6-18. Amendments to a bill by the second house shall
5 not be further amended by the house in which the bill
6 originated, but must either be accepted or rejected. If the
7 amendments are rejected, a conference committee may be
8 requested by the house in which the bill originated.

9 6-19. If a majority of a house adopts a recommendation
10 for the passage of a bill originating in that house after it
11 has been returned from a committee with amendments, not less
12 than six hundred copies of the bill shall be printed on
13 yellow paper with all amendments incorporated into the
14 printed copies. If the bill has been returned from a
15 committee without amendments, only the first sheet shall be
16 printed on yellow paper, and the remainder of the text
17 incorporated by reference to the preceding printed version
18 of the entire bill. Bills referred to the bills committee
19 of the house of origin for printing must be reported within
20 three days unless further time is granted by that house.

21 E. Engrossing and Enrolling

22 6-20. When a bill has been reported favorably by
23 Committee of the Whole of the house of origin and the report
24 has been adopted, the bill shall be engrossed under the
25 direction of the bills committee, and when reported

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

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

20 6-21. When a bill has passed both houses it shall be
 21 enrolled under the direction of the bills committee of the
 22 house of origin. An original and two duplicate typewritten
 23 copies of the bill shall be enrolled, free from all
 24 corrections and errors, with a margin of two inches at the
 25 top and one inch on each side, with twenty-five unnumbered

1 lines to the page. In sections amending existing statutes
 2 new matter shall be underlined, and matter stricken with a
 3 line through it shall be omitted. The typewriting shall be
 4 done with a black record ribbon, pica type, on paper eight
 5 and one-half inches wide and eleven inches long. The
 6 original and two copies of the bill shall be red lined. The
 7 history of the bill shall also be enrolled and placed in
 8 back of the bill in a white manuscript cover, upon which is
 9 written the number of the bill and the title.

10 When the enrolling has been completed, the bill shall
 11 be examined by the author and the bills committee and
 12 reported correctly enrolled.

13 The correctly enrolled bill shall be delivered to the
 14 presiding officer of the house in which the bill originated.
 15 The presiding officer shall announce from the rostrum, the
 16 announcement to be entered in the journal, the specific
 17 bills to be signed by him and shall designate a time when
 18 such bill shall be signed, and he shall sign the original
 19 and two copies of each bill delivered to him not later than
 20 the next legislative day after it has been reported
 21 correctly enrolled, unless the bill is delivered on the last
 22 legislative day in which event it shall be signed that day.
 23 The fact of signing shall be entered upon the journal no
 24 later than the next legislative day. At any time after the
 25 report of a bill correctly enrolled and before the signing,

1 if a member signifies his desire to examine the bill, he
 2 shall be permitted to do so. The bill shall then be
 3 transmitted to the other house where the same procedure
 4 shall be followed.

5 The original and two copies signed by the presiding
 6 officer of each house shall be presented by the bills
 7 committee to the governor. The bills committee shall take a
 8 receipt from the governor and shall report to the house the
 9 day and hour of such presentation, which shall be entered in
 10 the journal. The original shall be filed with the secretary
 11 of state. Signed copies with chapter numbers assigned
 12 pursuant to Section 5-11-204, shall be filed with the clerk
 13 of the supreme court and the Legislative Council.

14 E. Second Reading -- Committee of the Whole

15 6-22. All bills except consent calendar bills which
 16 have been reported by a committee, accepted by the house
 17 concerned and printed, shall be posted on the calendar for
 18 consideration by Committee of the Whole. The
 19 sergeants-at-arms of the respective houses shall record the
 20 time each bill is received and the time the bill is placed
 21 on members' desks. Until the fiftieth legislative day, one
 22 day must elapse between the time a committee approved bill
 23 is placed on the members' desks and consideration by
 24 Committee of the Whole. Bills shall be arranged on the
 25 calendar in numerical order unless they are companion bills

1 or are otherwise ordered by the house or Committee of the
 2 Whole of the house concerned.

3 6-23. Every bill considered in Committee of the Whole
 4 shall be read by a summary of its title and considered
 5 section by section.

6 All Committee of the Whole amendments shall be prepared
 7 and delivered to the clerk for reading before the amendment
 8 is voted on. The amendment form will include the date and
 9 time of the amendment.

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

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

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

- 20 (1) The only motions in order are to:
 21 (a) amend;
 22 (b) recommend passage or nonpassage;
 23 (c) recommend concurrence or nonconcurrence;
 24 (d) indefinitely postpone;
 25 (e) pass consideration;

1 (f) rise;
 2 (g) rise and report; or
 3 (i) rise and report progress and ask leave to sit
 4 again.

5 (2) The committee may not appoint subcommittees.

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

8 (4) Unless otherwise prescribed by either house before
 9 going into Committee of the Whole, a member may speak as
 10 often as he is recognized and for as long each time as is
 11 allowed in debate in the particular house.

12 6-27. After a Committee of the Whole has been formed,
 13 the presiding officer shall appoint a chairman to preside.
 14 Upon resuming the chair, the presiding officer shall receive
 15 the report of the chairman of the committee and the house
 16 shall take action on the report.

17 ~~6. Third Reading -- consent calendar -- Governor's Veto~~

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

23 Any vote in one house on a bill proposing an amendment
 24 to the Montana State Constitution where the mathematical
 25 possibility exists of obtaining the necessary two-thirds

1 vote of the legislature will cause the bill to progress as
 2 though it had received the majority vote.

3 6-29. Except for consent calendar bills, every bill
 4 shall be read three times prior to passage, either by title
 5 or by summary of title as provided in these rules. The first
 6 reading shall be as prescribed in Joint Rule 6-10; the
 7 second prior to debate in Committee of the Whole; and the
 8 third, which shall be by complete title, prior to final
 9 passage. No bill shall receive more than one reading on the
 10 same day except on the last legislative day. No amendment
 11 may be offered on the third reading.

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

23 (2) The governor may return any bill to the
 24 legislature with his recommendation for amendment. If the
 25 legislature passes the bill in accordance with the

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1 governor's recommendation, it shall again return the bill to
 2 the governor for his reconsideration. The governor shall not
 3 return a bill for amendment a second time.

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

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

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

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

21 6-32. If the governor returns a bill to the originating
 22 house with his recommendations for amendment, such house
 23 shall reconsider the bill under its rules relating to
 24 amendment offered in Committee of the Whole. The bill is
 25 then subject to the following procedures:

1 (a) The originating house shall transmit to the second
 2 house, for consideration under its rules relating to
 3 amendments in Committee of the Whole, the bill and the
 4 originating house's approval or disapproval of the
 5 governor's recommendations.

6 (b) If both houses approve the governor's
 7 recommendations the bill shall be returned to the governor
 8 for his reconsideration.

9 (c) If both houses disapprove the governor's
 10 recommendations the bill shall be returned to the governor
 11 for his reconsideration.

12 (d) If one house disapproves the governor's
 13 recommendations and the other house approves, then either
 14 house may request a conference committee which may be a free
 15 conference committee.

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

19 (ii) If a conference committee fails to reach agreement
 20 or if its report is not adopted by both houses the
 21 governor's recommendations shall be considered not approved
 22 and the bill shall be returned to the governor for further
 23 consideration.

24 H. Transmittal of Bills

25 6-33. Each house shall transmit to the other with any

1 bill all relevant papers. When a house bill is transmitted
 2 from the House of Representatives to the Senate, the
 3 secretary of the Senate shall give a dated receipt for the
 4 bill to the chief clerk of the House. When a Senate bill is
 5 transmitted to the House of Representatives, the chief clerk
 6 of the House shall give a dated receipt to the secretary of
 7 the Senate.

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

19 A revenue bill is one which would either increase or
 20 decrease tax collections.

21 Appropriation and revenue bills shall be transmitted
 22 from the original house on or before the sixtieth day unless
 23 two-thirds of the members present and voting in the
 24 receiving house shall determine that the bill may be
 25 transmitted after the sixtieth day.

1 6-35. When a bill has received its third reading or has
 2 been rejected, the house that considered the bill shall
 3 immediately transmit it to the other house with notice of
 4 its action.

5 6-36. All bills reported out of a committee of the
 6 legislature having an effect on the revenues, expenditures,
 7 or fiscal liability of the state, except appropriation
 8 measures carrying specific dollar amounts, shall include a
 9 fiscal note incorporating an estimate of such effect. The
 10 Legislative Council staff shall indicate at the top of each
 11 bill prepared for introduction that a fiscal note may be
 12 necessary under this rule. Fiscal notes shall be requested
 13 by the presiding officer of either house, who shall
 14 determine the need for the note at the time of introduction,
 15 based on the Legislative Council staff recommendation.

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

23 A completed fiscal note shall be submitted by the
 24 budget director to the presiding officer who requested it,
 25 who shall refer it to the committee considering the bill.

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1 All fiscal notes shall be printed and placed on the members'
2 desks.

3 Fiscal notes shall, where possible, show in dollar
4 amounts the estimated increase or decrease in revenues or
5 expenditures, costs which may be absorbed without additional
6 funds, and long-range financial implications. No comment or
7 opinion relative to merits of the bill shall be included;
8 however, technical or mechanical defects may be noted.

9 A fiscal note also may be requested on a bill and on an
10 amendment by:

- 11 (1) a committee considering the bill, or
- 12 (2) a majority of the members of the house in which
13 the bill is to be considered, at the time of second reading,
14 or
- 15 (3) the chief sponsor through the presiding officer.

16 The budget director shall make available on request to
17 any member of the legislature all background information
18 used in developing a fiscal note (Title 5, chapter 4, part
19 2, NCA).

20 CHAPTER 7

21 Committees

22 7-1. The committee on legislative administration of
23 each house shall consider all matters concerned with
24 seating, mileage and per diem, legislative employees, the
25 control of the legislative property, and the budgeting for

1 and expenditure of appropriations for the operation of the
2 legislature, in cooperation with the Legislative Council
3 staff.

4 7-2. A standing committee shall submit a written report
5 in triplicate on all bills or matters referred to it within
6 seven days after reference, unless at the request of the
7 committee and for good cause shown, further time is granted
8 by the house concerned.

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

15 7-4. All committees and subcommittees shall keep
16 minutes of their meetings and, at the close of the session,
17 shall make five complete copies and shall turn the original
18 of the minutes over to the chief clerk of the House or
19 secretary of the Senate for delivery to the historical
20 society. The majority and minority leader of each house and
21 the Legislative Council shall each be given one copy of the
22 minutes.

23 7-5. The committee on bills and journal, the rules
24 committee, and conference committees may report at any time,
25 except during a call of the house or when a vote is being

1 taken. Reports from the bills and journal committee shall
2 stand approved without formal action.

3 7-6. All bills providing for an appropriation of
4 public money may first be considered by a joint committee
5 composed of the members of the Senate Committee on Finance
6 and Claims and the House Committee on Appropriations, and
7 then by each separately. Meetings of the joint committee
8 shall be held upon call of the chairman of the House
9 Committee on Appropriations who shall be chairman of the
10 joint committee.

11 7-7. The chairman of each committee has general control
12 and direction of the hall and committee room of the
13 committee over which he presides, subject to the control of
14 the presiding officer under Rule 1-3. Except as provided in
15 Joint Rule 7-6, the chairman of the Senate committee shall
16 be chairman of all joint committees.

17 7-8. If either house requests a conference and appoints
18 a committee for the purpose of discussing an amendment on
19 which the Senate and the House of Representatives cannot
20 agree, the other house shall appoint a committee consisting
21 of the same number of members. The time and place of all
22 conference committee meetings shall be agreed upon by their
23 chairman and be announced from the rostrum. This
24 announcement is in order at any time. Failure to make this
25 announcement shall not affect the validity of the

1 legislation. The conference committees, having conferred,
2 shall report to their respective houses the result of their
3 conference. A conference committee shall confine itself to
4 the disputed amendment.

5 If either house requests a free conference committee
6 and the other house concurs, appointments will be made the
7 same as above. A free conference committee may discuss a
8 bill in its entirety and is not confined to a particular
9 amendment.

10 7-9. In joint committees other than conference
11 committees, members vote individually and not by houses.
12 Because conference committees are joint meetings of separate
13 committees, in conference committees the committees from
14 each house vote separately, and a majority of each committee
15 must agree before any action may be taken.

16 7-10. Conference committee reports must give clerical
17 instructions for enrolling by referring to the reference
18 bill version.

19 When a conference committee report is filed with the
20 secretary or clerk the same shall be read under order of
21 business No. 3, select committees, and placed on the
22 calendar for consideration on second reading. If recommended
23 favorably by the Committee of the Whole, it may be
24 considered on third reading the same legislative day. On
25 the final legislative day a conference committee report

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1 shall be placed on the calendar for immediate consideration
2 on second reading and shall be further considered on third
3 reading the same legislative day.

4 7-11. Accredited press representatives may not be
5 excluded from any public legislative meeting or hearing and
6 may not be prohibited from taking photographs, televising,
7 or recording the committee or house hearings, subject to the
8 discretion of the presiding officer in all matters of
9 decorum and order.

10 7-12. A committee block scheduling system will be
11 implemented in the Senate and House of Representatives. The
12 schedule will be coordinated between houses and will be
13 adjusted according to the legislature's work load.

14 CHAPTER 8

15 Rules and Journal

16 8-1. Each house shall keep a journal of its
17 proceedings, and may, in its discretion, from time to time,
18 publish the same, and the ayes and noes on any question
19 shall, at the request of any two members, be entered on the
20 journal.

21 8-2. The proceedings of each house which shall be
22 entered on its journal include:

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

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

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

5 (4) committee reports;

6 (5) roll call votes;

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

8 (7) an entry of the oath taken by the members (Sec.
9 5-2-214, MCA).

10 8-3. The bills and journal committee of each house
11 shall supply the Legislative Council with the contents of
12 the daily journal to be programmed on automated equipment,
13 examine its journal, distribute a daily journal to all
14 legislators, correct any errors, and report each legislative
15 day immediately after roll call.

16 8-4. The journal of the Senate must be authenticated by
17 the signature of the president, and the journal of the House
18 of Representatives by the signature of the speaker. The
19 distribution of the completed journals shall be made by the
20 Legislative Council (Sec. 5-11-201 through 5-11-203, MCA).

21 8-5. (1) A joint rule may be repealed or amended only
22 with the concurrence of both houses, under the procedures
23 adopted by each house for the repeal or amendment of its own
24 rules.

25 (2) A joint rule governing the procedure for handling

1 bills may be temporarily suspended by the consent of
2 two-thirds of the members of either house, insofar as it
3 applies to the house suspending it.

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

9 8-6. Mason's Manual of Legislative Procedure governs
10 the proceedings of the Senate and House of Representatives
11 in all cases not covered by these rules.

12 8-7. The Legislative Council shall codify and publish
13 in one volume the rules of the Senate, the rules of the
14 House of Representatives and the joint rules of the Senate
15 and House of Representatives. Upon adoption, the secretary
16 of the Senate and the chief clerk of the House of
17 Representatives shall provide the office of the Legislative
18 Council with one copy of all motions or resolutions amending
19 Senate, House or joint rules, and with copies of all minutes
20 and reports of the rules committees. After the rules have
21 been published, the Legislative Council shall distribute
22 copies as directed by the Senate and House of
23 Representatives.

24 8-8. Pursuant to the authority established in Sections
25 5-11-211 through 5-11-214, the following fee schedule is

1 established for the legislative proceedings:

2 One complete set of the proceedings of any regular
3 session, \$240; an additional \$150 is required for mailing.

4 One complete set of the proceedings of any special
5 session, \$25.

6 Single copies of bills, resolutions, amendments, status
7 sheets, or other documents may be purchased according to the
8 length of the document as follows:

9	1-5 pages.....	\$.25
10	6-15 pages.....	\$.50
11	16-40 pages.....	\$1.00
12	41-100 pages.....	\$1.50
13	101-200 pages.....	\$2.00
14	Over 200 pages.....	\$4.00
15	Copies of enacted bills.....	cost of
16		reproduction.

17 CHAPTER 9

18 Voting Procedure

19 9-1. Except as provided in Joint Rule 9-2, every member
20 present when a question is put shall vote unless the house
21 of which he is a member excuses him.

22 9-2. A member who has a personal or private interest in
23 any measure or bill proposed or pending before the
24 legislature shall disclose the fact to the house of which he
25 is a member.

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1 9-3. Amendments to the constitution may be proposed by
2 any member of the legislature. If adopted by an affirmative
3 roll call vote of two-thirds of all the members of the
4 legislature, the amendment shall be deemed approved by the
5 legislature (Montana Constitution, Art. XIV, Sec. 8).

6 9-4. When a measure requiring the concurrence of
7 two-thirds of the members is under consideration, a majority
8 vote is sufficient to decide any question relating to the
9 measure short of third reading.

10 9-5. A roll call vote shall be taken on the request of
11 two members, if the request occurs before the vote is taken.

12 9-6. On a roll call vote the names of the members shall
13 be called alphabetically, unless an electrical voting system
14 is used. A member may not vote or change his vote after the
15 decision is announced from the chair. A member may not
16 explain his vote until after the decision is announced from
17 the chair.

18 9-7. (1) On third reading the question shall be stated
19 as follows: "Senate (or House) bill number _____ having
20 been read three several times, the question is, shall the
21 bill pass (or be concurred in)."

22 (2) If an electrical voting system is used the
23 presiding officer shall ring the bell after stating the
24 question and then state "Those in favor vote yea and those
25 opposed vote no." After a reasonable pause the presiding

1 officer asks "Has every member voted?" (reasonable pause)
2 "Does any member wish to change his or her vote?"
3 (reasonable pause) "The clerk (secretary) will now record
4 the vote."

5 9-8. Two members may pair on a measure that will be
6 determined by a majority vote. On a measure requiring a
7 two-thirds vote for adoption three members may pair, with
8 two members for the measure and one member against. Pairing
9 is permitted only when one of the paired members is absent
10 when the vote is taken.

11 9-9. An agreement to pair must be in writing and dated
12 and signed by the members agreeing to be bound, and must
13 specify the duration of the pair. When an agreement to pair
14 is filed with the secretary of the Senate or chief clerk of
15 the House of Representatives, it shall bind the members
16 signing until the expiration of time for which it was
17 signed, unless the paired members sooner appear and ask that
18 the agreement be cancelled.

19 9-10. Every vote of each member of the legislature on
20 each substantive question in the legislature, in any
21 committee, or in Committee of the Whole shall be recorded
22 and made public. On final passage of any bill or joint
23 resolution the vote shall be taken by ayes and noes and the
24 names entered on the journal. A roll call vote shall be
25 taken on nonsubstantive questions on the request of two

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

9 CHAPTER 10

10 Consent Calendar

11 10-1. Noncontroversial bills and simple and joint
 12 resolutions qualifying for the consent calendar may be
 13 processed by a standing committee according to the following
 14 provisions:

15 (1) To be eligible for the consent calendar, the
 16 legislation must receive unanimous vote by the members of
 17 the standing committee in attendance (do pass, do pass as
 18 amended). In addition a motion must be made and passed
 19 unanimously to place the legislation on the consent calendar
 20 and this action reflected in the committee report. No
 21 appropriation or revenue bills may be recommended for the
 22 consent calendar.

23 (2) The legislation is then sent to printing to be
 24 prepared as a third reading version and specifically marked
 25 as a "consent calendar" item.

1 (3) Legislation shall be immediately posted (as soon
 2 as it is received from printing) on the consent calendar and
 3 must remain there for one legislative day before
 4 consideration under Order of Business No. 11, Special Orders
 5 of the Day. At that time, the presiding officer will
 6 announce consideration of the consent calendar and allow
 7 "reasonable time" for questions and answers upon request. No
 8 debate will be allowed.

9 (4) Any three members may submit written objections
 10 and the legislation must then be removed from the consent
 11 calendar and added to the regular second reading board.

12 (5) Consent calendar legislation will be voted on
 13 following third reading.

14 (6) Legislation on the consent calendar will be voted
 15 on individually with the roll call vote printed in the
 16 journal as the final vote on those bills and resolutions.

17 (7) Legislation passed on the consent calendar will
 18 then be sent to engrossing, printed, and transmitted to the
 19 second house.

20 CHAPTER 11

21 Statement of Legislative Intent

22 11-1. Definition. For the purpose of compliance with
 23 the Legislative History Act (Title 5, chapter 4, part 4,
 24 MCA), a statement of legislative intent regarding a bill is
 25 an expression of common understanding on the part of a group

1 of members who constitute a formal component of the
 2 legislature and who sit together in consideration of the
 3 bill, e.g., a standing committee, a Committee of the Whole,
 4 or a conference committee. This statement differs from a
 5 purpose clause which is a section of the bill and, if
 6 enacted, reflects the assent of a majority of each house. In
 7 general, a purpose clause is used to describe the broad
 8 overall objectives of a bill while a statement of intent is
 9 used to guide the details of interpretation by those charged
 10 with implementation of the bill and is phrased in terms of
 11 contingencies, examples, or other matter inappropriate for
 12 expression as statutory language.

13 11-2. Limitation. A statement of intent may not be
 14 construed as reflecting the intent of any member other than
 15 the members of the component preparing the statement, unless
 16 the statement accompanies the bill as provided in Joint Rule
 17 11-3.

18 11-3. Statement of intent to accompany bill -- when --
 19 how. When a component of the legislature desires to write a
 20 statement of intent for the consideration of the rest of the
 21 legislature, the statement shall accompany the bill as
 22 follows:

23 (1) A standing committee in the house of origin,
 24 having considered the bill and recommending that it do pass,
 25 may write a statement of intent and file it with the

1 standing committee report. The statement shall be printed on
 2 gray paper and attached to the second reading copy and all
 3 subsequent printings of the bill, or shall be separately
 4 duplicated and placed on the desks of all members of the
 5 house or origin prior to second reading consideration and
 6 thereafter printed on gray paper attached to the bill.

7 (2) The Committee of the Whole in the house of origin
 8 may adopt by motion a statement of intent on any bill before
 9 it. The statement shall be printed on gray paper and
 10 attached to the third reading copy and all subsequent
 11 printings of the bill.

12 (3) A standing committee or the Committee of the Whole
 13 in the second house considering a bill may adopt by motion a
 14 statement of intent. A statement by a standing committee
 15 shall be printed on a pink or green committee report sheet,
 16 whether or not the committee proposes amendments to the
 17 bill, and shall accompany the bill in that form during
 18 second reading consideration in the second house. A
 19 statement so adopted by a standing committee, or a statement
 20 adopted by the Committee of the Whole, shall thereafter be
 21 printed on gray paper and attached to the reference bill
 22 following third reading passage in the second house.

23 (4) A free or regular joint conference committee may
 24 write a statement of intent on a bill before it and file the
 25 same with its report, to be duplicated and placed upon the

1 desks of all members prior to voting on the conference
2 report.

3 11-4. Modification of statement of intent. A statement
4 of intent printed on gray paper to accompany a bill shall be
5 numbered by page and line. The text shall not be subject to
6 amendment by deletion or insertion, but any provision
7 thereof is subject to being superseded by a later statement
8 of intent. The form of such modifying statement of intent is
9 substantially as follows:

10 "Paragraph of the statement of intent of the
11 Committee on, at page, lines through
12 on the legislative intent sheets, is superseded by
13 the following:

14 (text)

15 (Component)

16 (e.g., Committee on)

17 11-5. Conference committee on intent only. When the
18 second house concurs in a bill without amendments but adopts
19 or modifies a statement of intent on the bill, the bill may
20 not be enrolled until the house of origin has accepted such
21 statement of intent by majority vote on Order of Business
22 No. 5. A regular conference committee may be appointed
23 solely to resolve differences of intent if the second
24 house's statement of intent is not so accepted.

-End-

SJR2

SJR 2 3RD READING
WAS UNOBTAINABLE

1 SENATE JOINT RESOLUTION NO. 2

2 INTRODUCED BY 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 presiding officer shall certify the payroll
 10 as prepared by Legislative Council staff.

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.

1 CHAPTER 2
 2 Meetings, Quorums and Attendance
 3 2-1. The hour of meeting of the Senate and House of
 4 Representatives may be as ordered by the Senate or House.
 5 2-2. Lobbying on the floor of the Senate or House of
 6 representatives is prohibited during the session and within
 7 one hour prior to the commencement of a session and within
 8 one-half hour after recess or adjournment.
 9 2-3. The sessions of the legislature and of the
 10 Committee of the Whole, all committee meetings, and all
 11 hearings shall be open to the public (Montana Constitution,
 12 Art. V, Sec. 10(3)).
 13 2-4. Neither house shall, without the consent of the
 14 other, adjourn or recess for more than three days, nor to
 15 any other place than that in which the two houses shall be
 16 sitting (Montana Constitution, Art. V, Sec. 10(5)).
 17 2-5. A majority of each house shall constitute a quorum
 18 to do business, but a smaller number may adjourn from day to
 19 day, and compel the attendance of absent members, in such
 20 manner and under such penalties as each house may prescribe
 21 (Montana Constitution, Art. V, Sec. 10(2)).
 22 2-6. Unless he is excused, a member of the House or
 23 Senate shall be present at every sitting of the house of
 24 which he is a member.
 25 2-7. In the absence of a quorum, a majority of members

1 present in either house may compel the attendance of absent
2 members by ordering a call of the house of which they are
3 members.

4 2-8. If a quorum is present, five members of the Senate
5 may order a call of the Senate, and fifteen members of the
6 House of Representatives may order a call of the House.

7 2-9. On a call of either house, a member who refuses to
8 attend may be arrested by the sergeant-at-arms or any other
9 person, as the majority of such members present shall
10 direct. When the attendance of an absent member is secured
11 after a call of either house, if the house of which he is a
12 member refuses to excuse his absence, he shall not be paid
13 any per diem during his absence and is liable for the
14 expenses incurred in procuring his attendance.

15 2-10. During a call of either house, all business of
16 that house shall be suspended. After a call has been ordered
17 no motion is in order except a motion to adjourn or remove
18 the call. The call may be removed by a two-thirds vote.

19 2-11. If either house is in session upon a given day,
20 whether or not the other house is in session, that day shall
21 constitute a legislative day.

22 CHAPTER 3

23 Legislative Employees

24 3-1. The legislature shall prescribe the compensation
25 of the officers and employees of each house by joint

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

6 3-2. The Legislative Council shall be responsible for
7 maintaining personnel files.

8 3-3. The committee on legislative administration of
9 each house shall appoint secretaries for standing or special
10 committees on recommendation of the committee chairman,
11 subject to the approval of the respective houses. A
12 secretary for a standing or special committee is immediately
13 responsible to the committee chairman, but when not occupied
14 with the duties of a committee, shall work under the
15 direction of the chief stenographer of each house. The
16 Legislative Council shall hire all engrossing and enrolling
17 typists and proofreaders who are under the direction of the
18 bills committee.

19 3-4. The presiding officer and the majority and
20 minority floor leader of each house may each appoint a
21 private secretary.

22 3-5. The secretary of the Senate and chief clerk of the
23 House of Representatives are responsible to the presiding
24 officers of their respective houses. Their duties are:

25 (a) to have custody of all records, bills, documents

1 and other papers;

2 (b) to supervise the making and examination of the

3 journal and the handling of bills and resolutions;

4 (c) to deliver to the appropriate officers or offices,

5 as set forth in these rules during the session or at the

6 close of each session, the journal, bill books and

7 resolution books, and all copies of introduced and engrossed

8 bills and joint resolutions;

9 (d) to collect from the chairman or secretaries of all

10 standing committees, special committees, Committees of the

11 whole, and conference committees, the minutes of such

12 committees and deliver them to the state historical society.

13 3-6. Journal clerks, bill clerks, typists, and other

14 employees responsible for legislative functions, except

15 secretaries for standing or special committees, secretaries

16 to presiding officers, and secretaries to majority and

17 minority floor leaders, are immediately responsible to the

18 secretary of the Senate or the chief clerk of the House,

19 subject to the general supervision of the presiding officer.

20 3-7. The duties of the engrossing and enrolling clerks

21 are:

22 (a) to engross or enroll all bills delivered to them

23 within forty-eight hours after they have been received,

24 unless further time is granted, in writing, by the presiding

25 officer of the house in which the bill originated;

1 (b) to correct clerical errors, with the consent of

2 the secretary of the Senate or chief clerk of the House of

3 Representatives, in any bill originating in the house by

4 which they are employed. Clerical errors such as the

5 following may be corrected:

6 (i) errors in spelling

7 (ii) errors in numbering sections

8 (iii) adding or deleting underlining or lines through

9 matter to be stricken

10 (iv) material copied incorrectly from the Montana Code

11 Annotated.

12 The secretary of the Senate or chief clerk of the House

13 shall obtain written permission from the principal sponsor

14 before such corrections are made.

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

16 thereof so designated by the chairman may be the principal

17 sponsor for the purpose of this section.

18 3-8. (1) The sergeants-at-arms are responsible to the

19 presiding officers of their respective houses. Their duties

20 are:

21 (a) to maintain order under the direction of the

22 presiding officer;

23 (b) to execute commands and serve all processes;

24 (c) to receive, distribute and have custody of

25 supplies.

1 3-9. The assistant serqeant-at-arms, doorkeepers,
2 watchmen, janitors, pages and other employees responsible
3 for general housekeeping functions are immediately
4 responsible to the serqeant-at-arms, subject to the general
5 supervision of the presiding officer.

6 3-10. The duties of the chaplain of each house are to
7 open each day's session with a prayer.

8 3-11. A legislative aide is a person who has registered
9 with the clerk of the House or secretary of the Senate and
10 has been issued a distinctive identification form such as a
11 name tag. Such identification may be issued only upon
12 receiving written verification from a member that the person
13 involved is serving him as an aide. A person may not
14 represent himself to be a legislative aide unless he carries
15 such identification. The sergeants-at-arms and doorkeepers
16 shall enforce this rule. Legislative aides must be of legal
17 age unless otherwise approved by the presiding officer.

18 No member may designate more than one aide without the
19 approval of the Rules Committee of the house involved.

20 Qualifications for legislative interns are specified in
21 Title 5, chapter 6, MCA.

22 3-12. An employee, legislative aide or legislative
23 intern of either house is prohibited from lobbying as
24 defined in Section 5-7-102(1), MCA. However, such person may
25 testify before a committee of either house on the request of

1 the committee. Any person violating this rule shall be
2 discharged.

3 3-13. Disputes or complaints involving the competency
4 or decorum of a legislative employee shall be referred to
5 the committee on legislative administration of the house by
6 which the employee is employed. The committee, in its
7 discretion, may dismiss, suspend or retain the employee. The
8 committee on legislative administration shall periodically
9 review the roster of employees and shall dismiss surplus
10 employees.

11 3-14. The offices of the Legislative Council shall
12 serve both the Senate and House of Representatives as
13 required.

14 The Council staff shall prepare payrolls for signature
15 and prepare a bimonthly financial report and distribute the
16 report to legislative leaders in each house and to members
17 of the Senate Committee on Finance and Claims and House
18 Committee on Appropriations.

19 3-15. Contracts for purchase or lease of equipment and
20 supplies made during the legislative session shall be made
21 on the approval of the committee on legislative
22 administration of each house, subject to the review of the
23 presiding officer of the respective house. Purchase orders
24 shall be issued by Legislative Council staff and accounting
25 records kept in that office.

CHAPTER 4

Order of Business

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

- (1) Communications and petitions
- (2) Reports of standing committees
- (3) Reports of select committees
- (4) Messages from the governor
- (5) Messages from the other house
- (6) Motions
- (7) First reading and commitment of bills
- (8) Second reading of bills (Committee of the Whole)
- (9) Third reading of bills and consent calendar bills
- (10) Unfinished business
- (11) Special orders of the day
- (12) Announcement of committee meetings.

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

CHAPTER 5

Motions

5-1. When a motion is made it shall be restated by the presiding officer, and, if requested by the presiding

officer or a member, shall be reduced to writing and read aloud. A motion may be withdrawn by the member making it at any time before it is amended or voted upon.

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

- (1) to adjourn
- (2) for a call of the house
- (3) to recess
- (4) question of privilege
- (5) to lay on the table
- (6) for the previous question
- (7) to postpone to a certain day
- (8) to refer or commit
- (9) to amend
- (10) to postpone indefinitely.

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

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

1 5-4. Any member may, on the day the vote was taken or
 2 on the next day the house in which the action was taken is
 3 in session, move to reconsider the question. A motion to
 4 reconsider may not be withdrawn after such next legislative
 5 day without the unanimous consent of the house concerned,
 6 and thereafter any member may call it up for consideration;
 7 however, a motion to reconsider made after the fifty-fourth
 8 day of the session shall be disposed of when made. A motion
 9 to recall a bill from the other house constitutes notice to
 10 reconsider and shall be acted on as a motion to reconsider.
 11 A motion to reconsider or to recall a bill from the other
 12 house may be made only under order of business No. B, and
 13 under that order of business takes precedence over all
 14 motions except motions to recess or adjourn.

15 5-5. When a motion to reconsider is laid on the table,
 16 a two-thirds majority is required to take it from the table.
 17 When a motion to reconsider fails, the question is finally
 18 and conclusively settled.

19 5-6. (1) Except as provided in subsection (2) of this
 20 rule, the effect of moving the previous question, if
 21 adopted, is to close debate immediately, to prevent the
 22 moving of amendments or other subsidiary motions, and to
 23 bring to vote promptly the immediately pending main question
 24 and the adhering subsidiary motions, whether on appeal or
 25 otherwise.

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

6 5-7. A call of the house is not in order after the
 7 previous question is ordered, unless it appears upon an
 8 actual count by the presiding officer that a quorum is not
 9 present.

10 5-8. The following motions are not debatable:

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

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

3 5-9. A member may move to divide a question if it
4 includes two or more propositions so distinct in substance
5 that if one thing is taken away a substantive question will
6 remain.

7 5-10. No more than one amendment and no more than one
8 substitute motion may be made to a motion. This rule permits
9 the main motion and two modifying motions.

10 CHAPTER 6

11 Bills and Resolutions

12 A. Form of Bills -- Definition of Resolutions -- General 13 Provisions

14 6-1. The only types of instruments other than bills
15 which may be introduced in either house of the legislature
16 are as follows:

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

1 the Whole report. The transmittal of copies of simple
2 resolutions is the responsibility of the chief clerk or
3 secretary of the house of origin.

4 A copy of every simple resolution is to be transmitted
5 after adoption to the secretary of state by the secretary of
6 the Senate or chief clerk of the House.

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

17 A copy of every joint resolution is to be transmitted
18 after adoption to the secretary of state by the secretary of
19 the Senate or chief clerk of the House.

20 6-2. Bills shall be typewritten on paper eight and
21 one-half by eleven inches with twenty-five numbered lines,
22 and shall be introduced in quadruplicate. Pica type and a
23 good black ribbon must be used. Bills shall be numbered at
24 the foot of each page (except page one) and shall have white
25 covers of a substantial material. In sections amending

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

9 6-3. No bill, except general appropriation bills, and
 10 bills for the codification and general revision of the laws,
 11 shall contain more than one subject, which shall be clearly
 12 expressed in the title. The enacting clause of every law
 13 shall be as follows: "Be it enacted by the legislature of
 14 the state of Montana".

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

19 6-4. All appropriation bills shall originate in the
 20 House of Representatives.

21 The general appropriation bills shall embrace nothing
 22 but appropriations for the ordinary expenses of the
 23 legislative, executive and judicial branches of state
 24 government, interest on public debt and for public schools.
 25 All other appropriations shall be made by separate bills.

1 each embracing but one subject (Montana Constitution, Art.
 2 V, Sec. 11(4)). Appropriation bills for the operation of the
 3 legislature shall be introduced by the chairman of the House
 4 Committee on Appropriations.

5 6-5. Every statute, unless a different time is
 6 prescribed therein, takes effect on the first day of July of
 7 the year of its passage and approval. Every joint
 8 resolution, unless a different time is prescribed therein,
 9 takes effect from its passage (Sections 1-2-201 and 1-2-202,
 10 MCA).

11 B. Introduction

12 6-6. Bills will be checked by the staff of the
 13 Legislative Council prior to consideration by a committee of
 14 the legislature for proper format, style, and legal form. A
 15 stamp shall be affixed to the bill cover and initialed
 16 indicating this review. If such stamp is not affixed at the
 17 time the bill is delivered to the appropriate committee
 18 chairman, the chairman shall cause the bill to be
 19 transmitted to the Council for such review. Bills will be
 20 entered on the automated bill drafting equipment and typed
 21 to facilitate a more rapid reproduction. If a bill is not so
 22 entered prior to introduction, it will not be considered by
 23 any committee until it has been reviewed and entered. This
 24 review will be made after the eighteenth day. If the sponsor
 25 is notified of a problem with a bill and does not respond to

1 the director of the Legislative Council within two
2 legislative days, the bill will be referred to the committee
3 on rules in the house where the bill was introduced.

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

12 Any bill proposed by a legislative committee or
13 introduced by request of an administrative or executive
14 agency or department shall be so indicated following the
15 names of the sponsors, "By Request of the _____
16 (Name of Agency or Committee)".

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

1 standing committee approval.

2 All prefiled bills will be made available to the
3 public.

4 6-7. Bills may be introduced until 5 p.m. on the
5 eighteenth legislative day, except revenue bills, committee
6 bills approved by the rules committee of the house in which
7 the committee bill originated, and appropriation bills.

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

16 Revenue bills must be introduced by 5 p.m. on the
17 twenty-first legislative day. Committee bills approved by
18 the rules committee of the house in which the committee bill
19 originated may be introduced by the fortieth legislative
20 day. There is no time limit for introduction of
21 appropriation bills.

22 Joint Resolutions affecting rules adopted in the
23 Montana Administrative Code may be introduced and
24 transmitted at any time during a session.

25 Requests for interim studies may be made by joint

1 resolution only and may be introduced and transmitted at any
2 time during a session.

3 [TO BE EFFECTIVE if these rules are adopted as
4 temporary rules of the 47th Legislature:

5 6-7. Bills may be introduced until 5 p.m. on the
6 fourteenth legislative day, except revenue bills, committee
7 bills approved by the rules committee of the house in which
8 the committee bill originated, and appropriation bills.

9 All bill drafting requests must be submitted to the
10 Legislative Council staff by 5 p.m. on the tenth legislative
11 day. A sponsor of a bill drafted pursuant to a timely
12 request, but which is not delivered by the fourteenth day by
13 the Legislative Council, shall have two legislative days
14 after delivery to introduce the bill. No other bills except
15 revenue and appropriation bills may be introduced after 5
16 p.m. on the fourteenth legislative day.

17 Revenue bills must be introduced by 5 p.m. on the
18 twenty-first legislative day. Committee bills approved by
19 the rules committee of the house in which the committee
20 bill originated may be introduced by the fortieth
21 legislative day. There is no time limit for introduction of
22 appropriation bills.

23 Joint Resolutions affecting rules adopted in the
24 Montana Administrative Code may be introduced and
25 transmitted at any time during a session.

1 Requests for interim studies may be made by joint
2 resolution only and may be introduced and transmitted at any
3 time during a session.]

4 6-8. No bill may be introduced or received in a house
5 after that house has finally rejected a bill during that
6 session designed to accomplish the same purpose save upon
7 approval by the rules committee of the house in which the
8 bill is offered for introduction or reception.

9 Failure to override a veto does not constitute final
10 rejection.

11 6-9. At least three-fourths of a standing committee
12 must consent to the introduction of a committee bill. Bill
13 drafting requests for committee-sponsored bills must be
14 received by the Legislative Council staff by 5 p.m. on the
15 thirty-eighth legislative day and require three-fourths vote
16 by the committee.

17 6- First Reading and Commitment

18 6-10. No motion affecting a bill is in order on its
19 first reading except as provided in Joint Rule 6-6.

20 Upon introduction or reception of a bill, the chief
21 clerk of the House or the secretary of the Senate shall
22 publicly post upon a listing that bill by a summary of its
23 title in the house of origin and by a summary of its title
24 and by its history in the second house, together with a
25 notation of the committee to which it has been assigned, and

1 such posting shall constitute the first reading of the bill.

2 6-11. No bill shall be considered or become a law
3 unless referred to a committee and returned therefrom.

4 6-12. Upon introduction or reception of a bill, it
5 shall be referred to a committee by the presiding officer.

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

8 6. Amendments and Substitute Bills

9 6-14. No law shall be revised or amended, or the
10 provisions thereof extended by reference to its title only,
11 but so much thereof as is revised, amended or extended shall
12 be reenacted and published at length.

13 6-15. No law shall be passed except by bill, and no
14 bill shall be so altered or amended on its passage through
15 either house as to change its original purpose (Montana
16 Constitution, Art. V, Sec. 11(1)).

17 6-16. A committee may recommend that every clause in a
18 bill be changed and that entirely new matter be substituted
19 so long as the new matter is relevant to the title and
20 subject of the original bill. A substitute bill shall be
21 considered as an amendment and not as a new bill.

22 6-17. The proper form of reporting a substitute bill by
23 a committee is to propose amendments to strike out all of
24 the bill following the enacting clause and to substitute the
25 new bill, recommending also any necessary changes in the

1 title. If a committee report recommending a substitute for a
2 bill originating in the other house is adopted, the
3 substitute bill shall be printed.

4 6-18. Amendments to a bill by the second house shall
5 not be further amended by the house in which the bill
6 originated, but must either be accepted or rejected. If the
7 amendments are rejected, a conference committee may be
8 requested by the house in which the bill originated.

9 6-19. If a majority of a house adopts a recommendation
10 for the passage of a bill originating in that house after it
11 has been returned from a committee with amendments, not less
12 than six hundred copies of the bill shall be printed on
13 yellow paper with all amendments incorporated into the
14 printed copies. If the bill has been returned from a
15 committee without amendments, only the first sheet shall be
16 printed on yellow paper, and the remainder of the text
17 incorporated by reference to the preceding printed version
18 of the entire bill. Bills referred to the bills committee
19 of the house of origin for printing must be reported within
20 three days unless further time is granted by that house.

21 6. Engrossing and Enrolling

22 6-20. When a bill has been reported favorably by
23 Committee of the Whole of the house of origin and the report
24 has been adopted, the bill shall be engrossed under the
25 direction of the bills committee, and when reported

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

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

20 6-21. When a bill has passed both houses it shall be
 21 enrolled under the direction of the bills committee of the
 22 house of origin. An original and two duplicate typewritten
 23 copies of the bill shall be enrolled, free from all
 24 corrections and errors, with a margin of two inches at the
 25 top and one inch on each side, with twenty-five unnumbered

1 lines to the page. In sections amending existing statutes
 2 new matter shall be underlined, and matter stricken with a
 3 line through it shall be omitted. The typewriting shall be
 4 done with a black record ribbon, pica type, on paper eight
 5 and one-half inches wide and eleven inches long. The
 6 original and two copies of the bill shall be red lined. The
 7 history of the bill shall also be enrolled and placed in
 8 back of the bill in a white manuscript cover, upon which is
 9 written the number of the bill and the title.

10 When the enrolling has been completed, the bill shall
 11 be examined by the author and the bills committee and
 12 reported correctly enrolled.

13 The correctly enrolled bill shall be delivered to the
 14 presiding officer of the house in which the bill originated.
 15 The presiding officer shall announce from the rostrum, the
 16 announcement to be entered in the journal, the specific
 17 bills to be signed by him and shall designate a time when
 18 such bill shall be signed, and he shall sign the original
 19 and two copies of each bill delivered to him not later than
 20 the next legislative day after it has been reported
 21 correctly enrolled, unless the bill is delivered on the last
 22 legislative day in which event it shall be signed that day.
 23 The fact of signing shall be entered upon the journal no
 24 later than the next legislative day. At any time after the
 25 report of a bill correctly enrolled and before the signing

1 if a member signifies his desire to examine the bill, he
2 shall be permitted to do so. The bill shall then be
3 transmitted to the other house where the same procedure
4 shall be followed.

5 The original and two copies signed by the presiding
6 officer of each house shall be presented by the bills
7 committee to the governor. The bills committee shall take a
8 receipt from the governor and shall report to the house the
9 day and hour of such presentation, which shall be entered in
10 the journal. The original shall be filed with the secretary
11 of state. Signed copies with chapter numbers assigned
12 pursuant to Section 5-11-204, shall be filed with the clerk
13 of the supreme court and the Legislative Council.

14 6. Second Reading -- Committee of the Whole

15 6-22. All bills, except consent calendar bills, which
16 have been reported by a committee, accepted by the house
17 concerned and printed, shall be posted on the calendar for
18 consideration by Committee of the Whole. The
19 sergeants-at-arms of the respective houses shall record the
20 time each bill is received and the time the bill is placed
21 on members' desks. Until the fiftieth legislative day, one
22 day must elapse between the time a committee approved bill
23 is placed on the members' desks and consideration by
24 Committee of the Whole. Bills shall be arranged on the
25 calendar in numerical order unless they are companion bills

1 or are otherwise ordered by the house or Committee of the
2 whole of the house concerned.

3 6-23. Every bill considered in Committee of the Whole
4 shall be read by a summary of its title and considered
5 section by section.

6 All Committee of the Whole amendments shall be prepared
7 and delivered to the clerk for reading before the amendment
8 is voted on. The amendment form will include the date and
9 time of the amendment.

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

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

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

- 20 (1) The only motions in order are to:
- 21 (a) amend;
 - 22 (b) recommend passage or nonpassage;
 - 23 (c) recommend concurrence or nonconcurrence;
 - 24 (d) indefinitely postpone;
 - 25 (e) pass consideration;

1 (f) rise;
 2 (g) rise and report; or
 3 (i) rise and report progress and ask leave to sit
 4 again.

5 (2) The committee may not appoint subcommittees.

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

8 (4) Unless otherwise prescribed by either house before
 9 going into Committee of the Whole, a member may speak as
 10 often as he is recognized and for as long each time as is
 11 allowed in debate in the particular house.

12 6-27. After a Committee of the Whole has been formed,
 13 the presiding officer shall appoint a chairman to preside.
 14 Upon resuming the chair, the presiding officer shall receive
 15 the report of the chairman of the committee and the house
 16 shall take action on the report.

17 ~~6-28. Third Reading -- consent calendar -- Governor's Veto~~

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

23 Any vote in one house on a bill proposing an amendment
 24 to the Montana State Constitution where the mathematical
 25 possibility exists of obtaining the necessary two-thirds

1 vote of the legislature will cause the bill to progress as
 2 though it had received the majority vote.

3 6-29. Except for consent calendar bills, every bill
 4 shall be read three times prior to passage, either by title
 5 or by summary of title as provided in these rules. The first
 6 reading shall be as prescribed in Joint Rule 6-10; the
 7 second prior to debate in Committee of the Whole; and the
 8 third, which shall be by complete title, prior to final
 9 passage. No bill shall receive more than one reading on the
 10 same day except on the last legislative day. No amendment
 11 may be offered on the third reading.

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

23 (2) The governor may return any bill to the
 24 legislature with his recommendation for amendment. If the
 25 legislature passes the bill in accordance with the

1 governor's recommendation, it shall again return the bill to
2 the governor for his reconsideration. The governor shall not
3 return a bill for amendment a second time.

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

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

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

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

21 6-32. If the governor returns a bill to the originating
22 house with his recommendations for amendment, such house
23 shall reconsider the bill under its rules relating to
24 amendment offered in Committee of the Whole. The bill is
25 then subject to the following procedures:

1 (a) The originating house shall transmit to the second
2 house, for consideration under its rules relating to
3 amendments in Committee of the Whole, the bill and the
4 originating house's approval or disapproval of the
5 governor's recommendations.

6 (b) If both houses approve the governor's
7 recommendations the bill shall be returned to the governor
8 for his reconsideration.

9 (c) If both houses disapprove the governor's
10 recommendations the bill shall be returned to the governor
11 for his reconsideration.

12 (d) If one house disapproves the governor's
13 recommendations and the other house approves, then either
14 house may request a conference committee which may be a free
15 conference committee.

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

19 (ii) If a conference committee fails to reach agreement
20 or if its report is not adopted by both houses the
21 governor's recommendations shall be considered not approved
22 and the bill shall be returned to the governor for further
23 consideration.

24 House Transmittal of Bills

25 6-33. Each house shall transmit to the other with any

1 bill all relevant papers. When a house bill is transmitted
 2 from the House of Representatives to the Senate, the
 3 secretary of the Senate shall give a dated receipt for the
 4 bill to the chief clerk of the House. When a Senate bill is
 5 transmitted to the House of Representatives, the chief clerk
 6 of the House shall give a dated receipt to the secretary of
 7 the Senate.

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

19 A revenue bill is one which would either increase or
 20 decrease tax collections.

21 Appropriation and revenue bills shall be transmitted
 22 from the original house on or before the sixtieth day unless
 23 two-thirds of the members present and voting in the
 24 receiving house shall determine that the bill may be
 25 transmitted after the sixtieth day.

1 6-35. When a bill has received its third reading or has
 2 been rejected, the house that considered the bill shall
 3 immediately transmit it to the other house with notice of
 4 its action.

5 6-36. All bills reported out of a committee of the
 6 legislature having an effect on the revenues, expenditures,
 7 or fiscal liability of the state, except appropriation
 8 measures carrying specific dollar amounts, shall include a
 9 fiscal note incorporating an estimate of such effect. The
 10 Legislative Council staff shall indicate at the top of each
 11 bill prepared for introduction that a fiscal note may be
 12 necessary under this rule. Fiscal notes shall be requested
 13 by the presiding officer of either house, who shall
 14 determine the need for the note at the time of introduction,
 15 based on the Legislative Council staff recommendation.

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

23 A completed fiscal note shall be submitted by the
 24 budget director to the presiding officer who requested it,
 25 who shall refer it to the committee considering the bill.

1 All fiscal notes shall be printed and placed on the members'
2 desks.

3 Fiscal notes shall, where possible, show in dollar
4 amounts the estimated increase or decrease in revenues or
5 expenditures, costs which may be absorbed without additional
6 funds, and long-range financial implications. No comment or
7 opinion relative to merits of the bill shall be included;
8 however, technical or mechanical defects may be noted.

9 A fiscal note also may be requested on a bill and on an
10 amendment by:

- 11 (1) a committee considering the bill, or
- 12 (2) a majority of the members of the house in which
- 13 the bill is to be considered, at the time of second reading,
- 14 or
- 15 (3) the chief sponsor through the presiding officer.

16 The budget director shall make available on request to
17 any member of the legislature all background information
18 used in developing a fiscal note (Title 5, Chapter 4, part
19 2, MCA).

20 CHAPTER 7

21 Committees

22 7-1. The committee on legislative administration of
23 each house shall consider all matters concerned with
24 seating, mileage and per diem, legislative employees, the
25 control of the legislative property, and the budgeting for

1 and expenditure of appropriations for the operation of the
2 legislature, in cooperation with the Legislative Council
3 staff.

4 7-2. A standing committee shall submit a written report
5 in triplicate on all bills or matters referred to it within
6 seven days after reference, unless at the request of the
7 committee and for good cause shown, further time is granted
8 by the house concerned.

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

15 7-4. All committees and subcommittees shall keep
16 minutes of their meetings and, at the close of the session,
17 shall make five complete copies and shall turn the original
18 of the minutes over to the chief clerk of the House or
19 secretary of the Senate for delivery to the historical
20 society. The majority and minority leader of each house and
21 the Legislative Council shall each be given one copy of the
22 minutes.

23 7-5. The committee on bills and journal, the rules
24 committee, and conference committees may report at any time,
25 except during a call of the house or when a vote is being

1 taken. Reports from the bills and journal committee shall
2 stand approved without formal action.

3 7-6. All bills providing for an appropriation of
4 public money may first be considered by a joint committee
5 composed of the members of the Senate Committee on Finance
6 and Claims and the House Committee on Appropriations, and
7 then by each separately. Meetings of the joint committee
8 shall be held upon call of the chairman of the House
9 Committee on Appropriations who shall be chairman of the
10 joint committee.

11 7-7. The chairman of each committee has general control
12 and direction of the hall and committee room of the
13 committee over which he presides, subject to the control of
14 the presiding officer under Rule 1-3. Except as provided in
15 Joint Rule 7-6, the chairman of the Senate committee shall
16 be chairaan of all joint committees.

17 7-8. If either house requests a conference and appoints
18 a committee for the purpose of discussing an amendment on
19 which the Senate and the House of Representatives cannot
20 agree, the other house shall appoint a committee consisting
21 of the same number of members. The time and place of all
22 conference committee meetings shall be agreed upon by their
23 chairman and be announced from the rostrum. This
24 announcement is in order at any time. Failure to make this
25 announcement shall not affect the validity of the

1 legislation. The conference committees, having conferred,
2 shall report to their respective houses the result of their
3 conference. A conference committee shall confine itself to
4 the disputed amendment.

5 If either house requests a free conference committee
6 and the other house concurs, appointments will be made the
7 same as above. A free conference committee may discuss a
8 bill in its entirety and is not confined to a particular
9 amendment.

10 7-9. In joint committees other than conference
11 committees, members vote individually and not by houses.
12 Because conference committees are joint meetings of separate
13 committees, in conference committees the committees from
14 each house vote separately, and a majority of each committee
15 must agree before any action may be taken.

16 7-10. Conference committee reports must give clerical
17 instructions for enrolling by referring to the reference
18 bill version.

19 When a conference committee report is filed with the
20 secretary or clerk the same shall be read under order of
21 business No. 3, select committees, and placed on the
22 calendar for consideration on second reading. If recommended
23 favorably by the Committee of the Whole, it may be
24 considered on third reading the same legislative day. On
25 the final legislative day a conference committee report

1 shall be placed on the calendar for immediate consideration
 2 on second reading and shall be further considered on third
 3 reading the same legislative day.

4 7-11. Accredited press representatives may not be
 5 excluded from any public legislative meeting or hearing and
 6 may not be prohibited from taking photographs, televising,
 7 or recording the committee or house hearings, subject to the
 8 discretion of the presiding officer in all matters of
 9 decorum and order.

10 7-12. A committee block scheduling system will be
 11 implemented in the Senate and House of Representatives. The
 12 schedule will be coordinated between houses and will be
 13 adjusted according to the legislature's work load.

14 CHAPTER 8

15 Rules and Journal

16 8-1. Each house shall keep a journal of its
 17 proceedings, and may, in its discretion, from time to time,
 18 publish the same, and the ayes and noes on any question
 19 shall, at the request of any two members, be entered on the
 20 journal.

21 8-2. The proceedings of each house which shall be
 22 entered on its journal include:

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

1 (2) every motion and the name of the member making it;
 2 (3) proposed constitutional amendments which have been
 3 voted for by two-thirds of the members (Montana
 4 Constitution, Art. XIV, Sec. 8);
 5 (4) committee reports;
 6 (5) roll call votes;
 7 (6) messages from the governor and the other house;
 8 (7) an entry of the oath taken by the members (Sec.
 9 5-2-214, MCA).

10 8-3. The bills and journal committee of each house
 11 shall supply the Legislative Council with the contents of
 12 the daily journal to be programmed on automated equipment,
 13 examine its journal, distribute a daily journal to all
 14 legislators, correct any errors, and report each legislative
 15 day immediately after roll call.

16 8-4. The journal of the Senate must be authenticated by
 17 the signature of the president, and the journal of the House
 18 of Representatives by the signature of the speaker. The
 19 distribution of the completed journals shall be made by the
 20 Legislative Council (Sec. 5-11-201 through 5-11-203, MCA).

21 8-5. (1) A joint rule may be repealed or amended only
 22 with the concurrence of both houses, under the procedures
 23 adopted by each house for the repeal or amendment of its own
 24 rules.

25 (2) A joint rule governing the procedure for handling

1 bills may be temporarily suspended by the consent of
2 two-thirds of the members of either house, insofar as it
3 applies to the house suspending it.

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

9 8-6. Mason's Manual of Legislative Procedure governs
10 the proceedings of the Senate and House of Representatives
11 in all cases not covered by these rules.

12 8-7. The Legislative Council shall codify and publish
13 in one volume the rules of the Senate, the rules of the
14 House of Representatives and the joint rules of the Senate
15 and House of Representatives. Upon adoption, the secretary
16 of the Senate and the chief clerk of the House of
17 Representatives shall provide the office of the Legislative
18 Council with one copy of all motions or resolutions amending
19 Senate, House or joint rules, and with copies of all minutes
20 and reports of the rules committees. After the rules have
21 been published, the Legislative Council shall distribute
22 copies as directed by the Senate and House of
23 Representatives.

24 8-8. Pursuant to the authority established in Sections
25 5-11-211 through 5-11-214, the following fee schedule is

1 established for the legislative proceedings:

2 One complete set of the proceedings of any regular
3 session, \$240; an additional \$150 is required for mailing.

4 One complete set of the proceedings of any special
5 session, \$25.

6 Single copies of bills, resolutions, amendments, status
7 sheets, or other documents may be purchased according to the
8 length of the document as follows:

9	1-5 pages.....	\$.25
10	6-15 pages.....	\$.50
11	16-40 pages.....	\$1.00
12	41-100 pages.....	\$1.50
13	101-200 pages.....	\$2.00
14	Over 200 pages.....	\$4.00
15	Copies of enacted bills.....	Cost of
16		reproduction.

17 CHAPTER 9

18 Voting Procedure

19 9-1. Except as provided in Joint Rule 9-2, every member
20 present when a question is put shall vote unless the house
21 of which he is a member excuses him.

22 9-2. A member who has a personal or private interest in
23 any measure or bill proposed or pending before the
24 legislature shall disclose the fact to the house of which he
25 is a member.

1 9-3. Amendments to the constitution may be proposed by
2 any member of the legislature. If adopted by an affirmative
3 roll call vote of two-thirds of all the members of the
4 legislature, the amendment shall be deemed approved by the
5 legislature (Montana Constitution, Art. XIV, Sec. 8).

6 9-4. When a measure requiring the concurrence of
7 two-thirds of the members is under consideration, a majority
8 vote is sufficient to decide any question relating to the
9 measure short of third reading.

10 9-5. A roll call vote shall be taken on the request of
11 two members, if the request occurs before the vote is taken.

12 9-6. On a roll call vote the names of the members shall
13 be called alphabetically, unless an electrical voting system
14 is used. A member may not vote or change his vote after the
15 decision is announced from the chair. A member may not
16 explain his vote until after the decision is announced from
17 the chair.

18 9-7. (1) On third reading the question shall be stated
19 as follows: "Senate (or House) bill number _____ having
20 been read three several times, the question is, shall the
21 bill pass (or be concurred in)."

22 (2) If an electrical voting system is used the
23 presiding officer shall ring the bell after stating the
24 question and then state "Those in favor vote yea and those
25 opposed vote no." After a reasonable pause the presiding

1 officer asks "Has every member voted?" (reasonable pause)
2 "Does any member wish to change his or her vote?"
3 (reasonable pause) "The clerk (secretary) will now record
4 the vote."

5 9-8. Two members may pair on a measure that will be
6 determined by a majority vote. On a measure requiring a
7 two-thirds vote for adoption three members may pair, with
8 two members for the measure and one member against. Pairing
9 is permitted only when one of the paired members is absent
10 when the vote is taken.

11 9-9. An agreement to pair must be in writing and dated
12 and signed by the members agreeing to be bound, and must
13 specify the duration of the pair. When an agreement to pair
14 is filed with the secretary of the Senate or chief clerk of
15 the House of Representatives, it shall bind the members
16 signing until the expiration of time for which it was
17 signed, unless the paired members sooner appear and ask that
18 the agreement be cancelled.

19 9-10. Every vote of each member of the legislature on
20 each substantive question in the legislature, in any
21 committee, or in Committee of the Whole shall be recorded
22 and made public. On final passage of any bill or joint
23 resolution the vote shall be taken by ayes and noes and the
24 names entered on the journal. A roll call vote shall be
25 taken on nonsubstantive questions on the request of two

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

9 CHAPTER 10

10 Consent Calendar

11 10-1. Noncontroversial bills and simple and joint
12 resolutions qualifying for the consent calendar may be
13 processed by a standing committee according to the following
14 provisions:

15 (1) To be eligible for the consent calendar, the
16 legislation must receive unanimous vote by the members of
17 the standing committee in attendance (do pass, do pass as
18 amended). In addition a motion must be made and passed
19 unanimously to place the legislation on the consent calendar
20 and this action reflected in the committee report. No
21 appropriation or revenue bills may be recommended for the
22 consent calendar.

23 (2) The legislation is then sent to printing to be
24 prepared as a third reading version and specifically marked
25 as a "consent calendar" item.

1 (3) Legislation shall be immediately posted (as soon
2 as it is received from printing) on the consent calendar and
3 must remain there for one legislative day before
4 consideration under Order of Business No. 11, Special Orders
5 of the Day. At that time, the presiding officer will
6 announce consideration of the consent calendar and allow
7 "reasonable time" for questions and answers upon request. No
8 debate will be allowed.

9 (4) Any three members may submit written objections
10 and the legislation must then be removed from the consent
11 calendar and added to the regular second reading board.

12 (5) Consent calendar legislation will be voted on
13 following third reading.

14 (6) Legislation on the consent calendar will be voted
15 on individually with the roll call vote printed in the
16 journal as the final vote on those bills and resolutions.

17 (7) Legislation passed on the consent calendar will
18 then be sent to engrossing, printed, and transmitted to the
19 second house.

20 CHAPTER 11

21 Statement of Legislative Intent

22 11-1. Definition. For the purpose of compliance with
23 the Legislative History Act (Title 5, chapter 4, part 4,
24 MCA), a statement of legislative intent regarding a bill is
25 an expression of common understanding on the part of a group

1 of members who constitute a formal component of the
 2 legislature and who sit together in consideration of the
 3 bill, e.g., a standing committee, a Committee of the Whole,
 4 or a conference committee. This statement differs from a
 5 purpose clause which is a section of the bill and, if
 6 enacted, reflects the assent of a majority of each house. In
 7 general, a purpose clause is used to describe the broad
 8 overall objectives of a bill while a statement of intent is
 9 used to guide the details of interpretation by those charged
 10 with implementation of the bill and is phrased in terms of
 11 contingencies, examples, or other matter inappropriate for
 12 expression as statutory language.

13 11-2. Limitation. A statement of intent may not be
 14 construed as reflecting the intent of any member other than
 15 the members of the component preparing the statement, unless
 16 the statement accompanies the bill as provided in Joint Rule
 17 11-3.

18 11-3. Statement of intent to accompany bill -- when --
 19 how. When a component of the legislature desires to write a
 20 statement of intent for the consideration of the rest of the
 21 legislature, the statement shall accompany the bill as
 22 follows:

23 (1) A standing committee in the house of origin,
 24 having considered the bill and recommending that it do pass,
 25 may write a statement of intent and file it with the

1 standing committee report. The statement shall be printed on
 2 gray paper and attached to the second reading copy and all
 3 subsequent printings of the bill, or shall be separately
 4 duplicated and placed on the desks of all members of the
 5 house or origin prior to second reading consideration and
 6 thereafter printed on gray paper attached to the bill.

7 (2) The Committee of the Whole in the house of origin
 8 may adopt by motion a statement of intent on any bill before
 9 it. The statement shall be printed on gray paper and
 10 attached to the third reading copy and all subsequent
 11 printings of the bill.

12 (3) A standing committee or the Committee of the Whole
 13 in the second house considering a bill may adopt by motion a
 14 statement of intent. A statement by a standing committee
 15 shall be printed on a pink or green committee report sheet,
 16 whether or not the committee proposes amendments to the
 17 bill, and shall accompany the bill in that form during
 18 second reading consideration in the second house. A
 19 statement so adopted by a standing committee, or a statement
 20 adopted by the Committee of the Whole, shall thereafter be
 21 printed on gray paper and attached to the reference bill
 22 following third reading passage in the second house.

23 (4) A free or regular joint conference committee may
 24 write a statement of intent on a bill before it and file the
 25 same with its report, to be duplicated and placed upon the

1 desks of all members prior to voting on the conference
2 report.

3 11-4. Modification of statement of intent. A statement
4 of intent printed on gray paper to accompany a bill shall be
5 numbered by page and line. The text shall not be subject to
6 amendment by deletion or insertion, but any provision
7 thereof is subject to being superseded by a later statement
8 of intent. The form of such modifying statement of intent is
9 substantially as follows:

10 "Paragraph of the statement of intent of the
11 Committee on, at page, lines through
12 on the legislative intent sheets, is superseded by
13 the following:

14 (text)

15 (Component)

16 (e.g., Committee on)

17 11-5. Conference committee on intent only. When the
18 second house concurs in a bill without amendments but adopts
19 or modifies a statement of intent on the bill, the bill may
20 not be enrolled until the house of origin has accepted such
21 statement of intent by majority vote on Order of Business
22 No. 5. A regular conference committee may be appointed
23 solely to resolve differences of intent if the second
24 house's statement of intent is not so accepted.

-End-

SENATE
OF THE
STATE OF MONTANA
OFFICE OF THE PRESIDENT

DATE: Jan. 12, 1979

The Legislative Council is directed to add the following addendum to Senate Joint Resolution No. 2, which was unanimously adopted by the Senate on January 12, 1979 and that it be printed and enrolled with the bill.

1. Page 46, line 18.

Strike: "sent to engrossing, printed, and"



President of the Senate