

**SENATE JOINT RESOLUTION NO. 1**

**INTRODUCED BY STEPHENS**

**IN THE SENATE**

January 5, 1981	Introduced and referred to Committee on Rules.
January 8, 1981	Committee recommend bill do pass as amended. Report adopted.
January 10, 1981	Bill printed and placed on members' desks.
January 12, 1981	Second reading, do pass as amended.  On motion rules suspended. Bill placed on calendar for third reading this day.  Third reading, passed. Transmitted to House.

**IN THE HOUSE**

January 13, 1981	On motion, rules suspended. Bill allowed to be introduced.  Introduced and referred to Committee on Rules.  On motion, rules suspended and bill placed on second reading this day.  Motion pass consideration. To be considered January 14, 1981.
January 14, 1981	Second reading, concurred in as amended.

January 14, 1981

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

Third reading, concurred in as amended.

IN THE SENATE

January 15, 1981

Returned from House with amendments.

Second reading, amendments not concurred in.

January 16, 1981

On motion, Conference Committee requested.

Conference Committee appointed.

January 19, 1981

Conference Committee dissolved.

On motion, new Free Conference Committee requested.

Free Conference Committee appointed.

January 20, 1981

Free Conference Committee reported.

IN THE HOUSE

January 20, 1981

Free Conference Committee report adopted.

IN THE SENATE

January 21, 1981

On motion, rules suspended. Bill referred to second reading for consideration of Free Conference Committee report this day.

January 21, 1981

Second reading, adopted.

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

Third reading, Free Conference  
Committee report adopted.

Sent to enrolling.

1            SENATE JOINT RESOLUTION NO. 1  
2 INTRODUCTION 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 THEIR 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                                JOINT RULES

12                                CHAPTER 1

13                                Presiding Officer - Decorum,

14                                Order and Debate

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

24        1-2. The presiding officer, or any member acting as  
25 presiding officer, of each house shall preserve order and

1 decorum, and in case of disturbance or disorderly conduct,  
2 may order the galleries or lobbies to be cleared.

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

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

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

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

25        1-7. Questions of privilege are: first, those affecting

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

8 1-8. The presiding officer of each house shall sign all  
 9 subpoenas approved or issued by the house over which he  
 10 presides. ~~The presiding officer shall certify the payroll as~~  
 11 ~~prepared by legislative Council staff.~~

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

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

24 1-10. When the presiding officer is a member of the  
 25 house over which he is presiding he shall vote as any other

1 member and may not vote a second time.

## 2 CHAPTER 2

### 3 Meetings, Quorums, and Attendance

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

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

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

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

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

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

1           2-7. In the absence of a quorum, a majority of members  
2 present in either house may compel the attendance of absent  
3 members by ordering a call of the house of which they are  
4 members.

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

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

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

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

24                           CHAPTER 3

25                           Legislative Employees

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

8           3-2. The Legislative Council shall be responsible for  
9 maintaining personnel files.

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

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

24           3-5. The secretary of the Senate and chief clerk of the  
25 House of Representatives are responsible to the presiding

*SJRI*

1 officers of their respective houses. Their duties are to:

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

3 and other papers;

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

5 journal and the handling of bills and resolutions;

6 (c) to deliver to the ~~appropriate-officers-or-offices,~~

7 ~~as-set-forth-in-these-rules-during-the-session-or~~ secretary

8 ~~of\_\_state~~ at the close of each session, the journal, bill

9 books and resolution books, and all copies of introduced and

10 engrossed bills and joint resolutions;

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

12 standing committees, special committees, ~~Committees--of--the~~

13 ~~Whole,~~ and conference committees, the minutes of such

14 committees and deliver them to the state historical society.

15 (See Rule 7-4)

16 3-6. Journal clerks, bill clerks, typists, and other

17 employees responsible for legislative functions, except

18 secretaries for standing or special committees, secretaries

19 to presiding officers, and secretaries to majority and

20 minority floor leaders, are immediately responsible to the

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

22 subject to the general supervision of the presiding officer.

23 3-7. The duties of the engrossing and enrolling clerks

24 are:

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

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

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

3 officer of the house in which the bill originated;

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

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

6 Representatives, in any bill originating in the house by

7 which they are employed. Clerical errors such as the

8 following may be corrected:

9 (i) errors in spelling

10 (ii) errors in numbering sections

11 (iii) adding or deleting underlining or lines through

12 matter to be stricken

13 (iv) material copied incorrectly from the Montana Code

14 Annotated.

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

16 shall obtain written permission from the principal sponsor

17 before such corrections are made.

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

19 thereof so designated by the chairman may be the principal

20 sponsor for the purpose of this section.

21 3-8. (1) The sergeants-at-arms are responsible to the

22 presiding officers of their respective houses. Their duties

23 are to:

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

25 presiding officer;

1 (b) to execute commands and serve all processes;  
 2 (c) to receive, distribute and have custody of  
 3 supplies.

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

9 3-10. The duties of the chaplain of each house are to  
 10 open each day's session with a prayer.

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

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

23 Qualifications for legislative interns are specified in  
 24 Title 5, chapter 6, MCA.

25 3-12. An employee, legislative aide, or legislative

1 intern of either house is prohibited from lobbying as  
 2 defined in Section 5-7-102(1), MCA. However, such person may  
 3 testify before a committee of either house on the request of  
 4 the committee. Any person violating this rule shall be  
 5 discharged.

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

14 3-14. The offices of the Legislative Council shall  
 15 serve both the Senate and House of Representatives as  
 16 required.

17 The Council staff shall prepare payrolls for signature  
 18 ~~certification by the presiding officer~~ and prepare a  
 19 ~~bimonthly~~ monthly financial report and distribute the report  
 20 to legislative leaders in each house and to members of the  
 21 Senate Committee on Finance and Claims and House Committee  
 22 on Appropriations.

23 3-15. Contracts for purchase or lease of equipment and  
 24 supplies made during the legislative session shall be made  
 25 on the approval of the committee on legislative

*SVPI*

1 administration of each house, subject to the review of the  
2 presiding officer of the respective house. Purchase orders  
3 shall be issued by Legislative Council staff and accounting  
4 records kept in that office.

#### 5 CHAPTER 4

##### 6 Order of Business

7 4-1. After prayer, roll call, and report on the  
8 journal, the order of business of the Senate and House of  
9 Representatives is as follows:

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

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

#### 1 CHAPTER 5

##### 2 Motions

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

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

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

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

1 Rule 5-4.

2 5-3. No motion or proposition on a subject different  
3 from that under consideration shall be admitted under color  
4 of amendment or substitute.

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

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

23 5-6. (1) Except as provided in subsection (2) of this  
24 rule, the effect of moving the previous question, if  
25 adopted, is to close debate immediately, to prevent the

1 moving of amendments or other subsidiary motions, and to  
2 bring to vote promptly the immediately pending main question  
3 and the adhering subsidiary motions, whether on appeal or  
4 otherwise.

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

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

14 5-8. The following motions are not debatable:

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

*SJRI*

(12) to take from the table

(13) a decision of the presiding officer, unless appealed or unless he submits the question to the house for advice or decision

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

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

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

#### CHAPTER 6

##### Bills and Resolutions

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

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

(1) A simple resolution is a formalized motion passed by one house only and bears the heading "House Resolution" or "Senate Resolution". It may be used only to adopt or amend the rules of one house or to provide for the internal affairs of the house adopting it. It does not require three

readings or a roll call vote. A member offering a simple resolution may read it in his place before introduction. When a simple resolution has been introduced, it shall be referred to a committee. Final action shall be taken on the Committee of the Whole report. The transmittal of copies of simple resolutions is the responsibility of the chief clerk or secretary of the house of origin.

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

(2) A joint resolution must be adopted by both houses and is not approved by the governor. It may be used to:

(a) express desire, opinion, sympathy, or request of the legislature;

~~(b) request an interim study by a legislative subcommittee;~~

(c) to adopt or amend the joint rules;

~~(d) set salaries and other terms of employment for legislative employees;~~

~~(e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;~~

~~(f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;~~

~~(g) submit a negotiated settlement under section~~

1 39-31-305(3), MCA:  
 2 (b) declare or terminate an energy emergency under  
 3 section 90-4-310, MCA:  
 4 (i) to ratify or propose amendments to the United  
 5 States Constitution; and  
 6 (j) to direct changes to, repeal, or direct adoption  
 7 of a rule in the Montana Administrative Code. Except as  
 8 otherwise provided in these rules or the Constitution of the  
 9 State of Montana, a joint resolution is treated in all  
 10 respects as a bill.

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

14 6-2. Bills shall be typewritten on paper eight and  
 15 one-half by eleven inches with twenty-five numbered lines,  
 16 and shall be introduced in quadruplicate. ~~Pica-type-and-a~~  
 17 ~~good-black-ribbon-must-be-used.~~ Bills shall be numbered at  
 18 the foot of each page (except page one) and shall have white  
 19 covers of a substantial material. In sections amending  
 20 existing statutes, matter to be stricken out shall be  
 21 indicated with a line through the words or part to be  
 22 deleted, and new matter shall be underlined. Sections of the  
 23 Montana Code Annotated repealed or amended in a bill shall  
 24 be stated in the title except for general appropriation  
 25 bills and bills for the codification and general revision of

1 the laws. Introduced bills will be reproduced on white  
 2 paper and distributed to legislators.

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

9 A bill shall be used to propose amendments to the  
 10 Constitution of the State of Montana and shall not be  
 11 subject to the veto of the governor (Montana Constitution,  
 12 Art. VI, Sec. 10(1)).

13 6-4. All appropriation bills shall originate in the  
 14 House of Representatives.

15 The general appropriation bills shall embrace nothing  
 16 but appropriations for the ordinary expenses of the  
 17 legislative, executive, and judicial branches of state  
 18 government, interest on public debt and for public schools.  
 19 All other appropriations shall be made by separate bills,  
 20 each embracing but one subject (Montana Constitution, Art.  
 21 V, Sec. 11(4)). Appropriation bills for the operation of the  
 22 Legislature shall be introduced by the chairman of the House  
 23 Committee on Appropriations.

24 6-5. Every statute, unless a different time is  
 25 prescribed therein, takes effect on the first day of July of

SRI

1 the year of its passage and approval. Every joint  
2 resolution, unless a different time is prescribed therein,  
3 takes effect from its passage (Sections 1-2-201 and 1-2-202,  
4 MCA).

5 B. Introduction

6 6-6. (1) After January 4, 1981, a legislator may not  
7 request more than five bills from the Legislative Council  
8 nor may a legislator introduce more than five bills. This  
9 limit does not apply to:

10 (a) bills requested prior to January 5;

11 (b) interim committee bills;

12 (c) state agency bills;

13 (d) code commissioner bills; or

14 (e) resolutions.

15 (2) Bills and joint resolutions will be checked by the  
16 staff of the Legislative Council prior to consideration by a  
17 committee of the legislature introduction for proper format,  
18 style, and legal form. Bills will be entered on the  
19 automated bill drafting equipment, typed, and delivered in  
20 quadruplicate to the requesting legislator. A stamp shall be  
21 affixed to the original bill cover and initialed signed to  
22 indicating indicate this review. If such stamp is not  
23 affixed, at the time the bill is delivered to the  
24 appropriate committee chairman, the chairman shall cause the  
25 bill to be transmitted to the Council for such review may

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

11 (3) A During a session a bill may be introduced by  
12 endorsing it with the name of a member or committee and  
13 presenting it to the chief clerk or secretary in  
14 quadruplicate. Bills or joint resolutions may be sponsored  
15 jointly by Senate and House members. A jointly sponsored  
16 bill shall be introduced in the house in which the  
17 legislator whose name appears first on the bill is a member.  
18 The chief co-sponsor's name shall appear immediately to the  
19 right of the first sponsor's name. Bills, joint resolutions,  
20 and simple resolutions shall be numbered consecutively in  
21 each session of the legislature in separate series in the  
22 order of their receipt.

23 (4) Any bill proposed by a legislative committee or  
24 introduced by request of an administrative or executive  
25 agency or department shall be so indicated following the

1 names of the sponsors, "By Request of the..... (Name of  
2 Agency or Committee)".

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

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

16 (6) Before introduction a joint resolution described  
17 in Joint Rule 6-1(2)(a) must be approved by the joint rules  
18 committee and each simple resolution must be approved by the  
19 rules committee of the house introducing it. A stamp  
20 indicating such approval shall be affixed to the cover of  
21 the resolution before presentation to the chief clerk of the  
22 House or secretary of the Senate.

23 6-7. Bills may be introduced until 5 p.m. on the  
24 eighteenth legislative day, except revenue bills by committee  
25 bills approved by the rules committee of the house in which

1 the committee bill originated, and appropriation bills  
2 All drafting requests must be submitted to the  
3 legislative Council by 5 p.m. four legislative days before  
4 introduction deadline for that category of bill or  
5 resolution as per the following schedule:

	Drafting	Introduction
	Deadline	Deadline
General bills and resolutions	14th Day	18th Day
Revenue bills	17th Day	21st Day
Committee bills and resolutions	36th Day	40th Day
Appropriations bills and study resolutions	None	None

16 The following schedule must be followed for submission  
17 of drafting requests and introduction of bills and  
18 resolutions.

	Request	Introduction
	Deadline	Deadline
	5:00 P.M.	5:00 P.M.
	Legislative Day	Legislative Day
General Bills and Resolutions	10	14
		for 2 legislative days after delivery

1 \_\_\_\_\_ if delivery is after  
 2 \_\_\_\_\_ after 14th day)  
 3 Revenue Bills \_\_\_\_\_ 17 \_\_\_\_\_ 21  
 4 Committee Bills and Resolutions \_\_\_\_\_ 36 \_\_\_\_\_ 40  
 5 Committee Revenue Bills \_\_\_\_\_ 62 \_\_\_\_\_ 66  
 6 Appropriation Bills \_\_\_\_\_ No deadline \_\_\_\_\_ No deadline  
 7 Interim Study Resolutions \_\_\_\_\_ No deadline \_\_\_\_\_ No deadline  
 8 Joint Resolutions Concerning \_\_\_\_\_ No deadline \_\_\_\_\_ No deadline  
 9 Administrative Rules  
 10 ~~A sponsor of a bill drafted pursuant to a timely request~~  
 11 ~~but which is not delivered by the eighteenth day by the~~  
 12 ~~Legislative Council shall have until 5 p.m. 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 except that Revenue Committee~~  
 18 ~~bills may be introduced until the 66th day. Committee bills~~  
 19 ~~approved by the rules committee of the house in which the~~  
 20 ~~committee 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

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~~ referred at any time  
7 before its passage.

8 Of 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. Such  
7 amendments shall be referred to the committee that  
8 originally heard the bill for a recommendation that the  
9 amendments be accepted or rejected. If the amendments are  
10 rejected, a conference committee may be requested by the  
11 house in which the bill originated.

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

24 Of Engrossing and Enrolling

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

*SJR*

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

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

23 6-21. When a bill has passed both houses it shall be  
 24 enrolled under the direction of the bills committee of the  
 25 house of origin. An original and two duplicate typewritten

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

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

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

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

9 A bill that has passed both houses of the legislature  
 10 by the ninetieth day may be enrolled; clerically corrected  
 11 by the presiding officers, if necessary; signed by the  
 12 presiding officers; and delivered to the governor not later  
 13 than 5 days after the ninetieth legislative day. All journal  
 14 entries authorized under this rule will be entered on the  
 15 journal for the ninetieth day.

16 The original and two copies signed by the presiding  
 17 officer of each house shall be presented by the bills  
 18 committee to the governor. The bills committee shall take a  
 19 receipt from the governor and shall report to the house the  
 20 day and hour of such presentation, which shall be entered in  
 21 the journal. The original shall be filed with the secretary  
 22 of state. Signed copies with chapter numbers assigned  
 23 pursuant to Section 5-11-204, shall be filed with the clerk  
 24 of the supreme court and the Legislative Council.  
 25 E. Second Reading -- Committee of the Whole

1 6-22. All bills, except consent calendar bills, which  
 2 have been reported by a committee, accepted by the house  
 3 concerned and printed, shall be posted on the calendar for  
 4 consideration by Committee of the Whole. The  
 5 ~~sergeants-at-arms-of-the-respective-houses~~ secretary of the  
 6 Senate or chief clerk of the House shall record the time  
 7 each bill is received and the time the bill is placed on  
 8 members' desks. Until the fiftieth legislative day, one day  
 9 must elapse between the time a committee approved bill is  
 10 placed on the members' desks and consideration by Committee  
 11 of the Whole. Bills shall be arranged on the calendar in  
 12 numerical order unless they are companion bills or are  
 13 otherwise ordered by the house or Committee of the Whole of  
 14 the house concerned.

15 6-23. Every bill considered in Committee of the Whole  
 16 shall be read by a summary of its title and considered  
 17 section by section.

18 All Committee of the Whole amendments shall be prepared  
 19 and delivered to the clerk for reading before the amendment  
 20 is voted on. The amendment form will include the date and  
 21 time of the amendment. Each proposed rejected amendment  
 22 shall be identified and kept in the office of the chief  
 23 clerk of the House or secretary of the Senate. Upon  
 24 adjournment, the text of such amendments shall be delivered  
 25 to the state archives.

SJR

1 6-24. Prior to adoption of a Committee of the Whole  
2 report, a member may move to segregate a bill. If the motion  
3 prevails, the bill remains on second reading.

4 6-25. When a Committee of the Whole report on a bill is  
5 rejected the bill shall remain on second reading.

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

11 (1) The only motions in order are to:

12 (a) amend;

13 (b) recommend passage or nonpassage;

14 (c) recommend concurrence or nonconcurrence;

15 (d) indefinitely postpone;

16 (e) pass consideration;

17 (f) rise;

18 (g) rise and report; or

19 (h) rise and report progress and ask leave to sit  
20 again.

21 (2) The committee may not appoint subcommittees.

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

24 (4) Unless otherwise prescribed by either house before  
25 going into Committee of the Whole, a member may speak as

1 often as he is recognized and for as long each time as is  
2 allowed in debate in the particular house.

3 6-27. After a Committee of the Whole has been formed,  
4 the presiding officer shall appoint a chairman to preside.  
5 Upon resuming the chair, the presiding officer shall receive  
6 the report of the chairman of the committee and the house  
7 shall take action on the report.

8 ~~6-28. Third Reading -- Consent Calendar -- Governor's Veto~~

9 6-28. No bill shall become a law except by vote of a  
10 majority of all the members present and voting in each  
11 house, nor unless on its final passage the vote be taken by  
12 ayes and noes, and the names of those voting be entered on  
13 the journal (Montana Constitution, Art. V, Sec. 11(1) and  
14 (2)).

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

20 6-29. Except for consent calendar bills, every bill  
21 shall be read three times prior to passage, either by title  
22 or by summary of title as provided in these rules. The first  
23 reading shall be as prescribed in Joint Rule 6-10; the  
24 second prior to debate in Committee of the Whole; and the  
25 third, which shall be by complete title, prior to final

1 passage. No bill shall receive more than one reading on the  
2 same day except on the last legislative day. No amendment  
3 may be offered on the third reading.

4 6-30. (1) Each bill passed by the legislature, except  
5 bills proposing amendments to the Montana Constitution,  
6 bills ratifying proposed amendments to the United States  
7 Constitution, resolutions, and referendum measures of the  
8 legislature, shall be submitted to the governor for his  
9 signature. If he does not sign or veto the bill within five  
10 days after its delivery to him if the legislature is in  
11 session or within twenty-five days if the legislature is  
12 adjourned, it shall become a law. The governor shall return  
13 a vetoed bill to the legislature with a statement of his  
14 reasons therefor.

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

21 (3) If after receipt of a veto message, two-thirds of  
22 the members present approve the bill, it shall become law.  
23 If the originating house does not finally act within 5  
24 legislative days on a veto received while in session, the  
25 bill is dead.

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

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

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

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

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

SJR

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

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

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

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

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

#### 19 Home Transmittal of Bills

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 The budget director shall make available on request to  
 12 any member of the legislature all background information  
 13 used in developing a fiscal note (Title 5, chapter 4, part  
 14 2, MCA).

#### 15 CHAPTER 7

#### 16 Committees

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

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

*SURT*

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

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

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

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

23 7-6. All bills providing for an appropriation of  
24 public money may first be considered by a joint committee  
25 composed of the members of the Senate Committee on Finance

1 and Claims and the House Committee on Appropriations, and  
2 then by each separately. Meetings of the joint committee  
3 shall be held upon call of the chairman of the House  
4 Committee on Appropriations who shall be chairman of the  
5 joint committee.

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

12 7-8. If either house requests a conference and appoints  
13 a committee for the purpose of discussing an amendment on  
14 which the Senate and the House of Representatives cannot  
15 agree, the other house shall appoint a committee consisting  
16 of the same number of members. The time and place of all  
17 conference committee meetings shall be agreed upon by their  
18 chairman and be announced from the rostrum. This  
19 announcement is in order at any time. Failure to make this  
20 announcement shall not affect the validity of the  
21 legislation. The conference committees, having conferred,  
22 shall report to their respective houses the result of their  
23 conference. A conference committee shall confine itself to  
24 the disputed amendment.

25 If either house requests a free conference committee

1 and the other house concurs, appointments will be made the  
2 same as above. A free conference committee may discuss a  
3 bill in its entirety and is not confined to a particular  
4 amendment.

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

11 7-10. Conference committee reports must give clerical  
12 instructions for enrolling by referring to the reference  
13 bill version.

14 When a conference committee report is filed with the  
15 secretary or clerk the same shall be read under Order of  
16 Business No. 3, select committees, and placed on the  
17 calendar for consideration on second reading. If recommended  
18 favorably by the Committee of the Whole, it may be  
19 considered on third reading the same legislative day. On  
20 the final legislative day a conference committee report  
21 shall be placed on the calendar for immediate consideration  
22 on second reading and shall be further considered on third  
23 reading the same legislative day.

24 7-11. Accredited press representatives may not be  
25 excluded from any public legislative meeting or hearing and

1 may not be prohibited from taking photographs, televising,  
2 or recording the committee or house hearings, subject to the  
3 discretion of the presiding officer in all matters of  
4 decorum and order.

5 7-12. A committee block scheduling system will be  
6 implemented in the Senate and House of Representatives. The  
7 schedule will be coordinated between houses and will be  
8 adjusted according to the legislature's work load.

#### 9 CHAPTER 8

#### 10 Rules and Journal

11 8-1. Each house shall keep a journal of its  
12 proceedings, and may, in its discretion, from time to time,  
13 publish the same, and the ayes and noes on any question  
14 shall, at the request of any two members, be entered on the  
15 journal.

16 8-2. The proceedings of each house which shall be  
17 entered on its journal include:

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

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

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

25 (4) committee reports;

*SWPI*

- 1 (5) roll call votes;  
 2 (6) messages from the governor and the other house;  
 3 (7) an entry of the oath taken by the members (Sec.  
 4 5-2-214, MCA).

5 8-3. The bills and journal committee of each house  
 6 shall supply the Legislative Council with the contents of  
 7 the daily journal to be programmed on automated equipment,  
 8 examine its journal, distribute a daily journal to all  
 9 legislators, correct any errors, and report each legislative  
 10 day immediately after roll call.

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

16 8-5. (1) A joint rule may be repealed or amended only  
 17 with the concurrence of both houses, under the procedures  
 18 adopted by each house for the repeal or amendment of its own  
 19 rules.

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

24 (3) Any rules committee report recommending a change  
 25 in joint rules shall be referred to the other house for

1 concurrent action. Any new rule or any change in the rules  
 2 of either house shall be transmitted to the other house for  
 3 informational purposes.

4 8-6. Mason's Manual of Legislative Procedure governs  
 5 the proceedings of the Senate and House of Representatives  
 6 in all cases not covered by these rules.

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

19 8-8. Pursuant to the authority established in Sections  
 20 5-11-211 through 5-11-214, the following fee schedule is  
 21 established for the legislative proceedings:

22 One complete set of the proceedings of any regular  
 23 session, ~~\$240~~ \$250; an additional \$150 is required for  
 24 mailing.

25 One complete set of the proceedings of any special

1 session, \$25.

2 Single copies of bills, resolutions, amendments, status  
3 sheets, or other documents may be purchased according to the  
4 length of the document as follows:

- 5 1-5 pages.....\$ .25
- 6 6-15 pages.....\$ .50
- 7 16-40 pages.....\$1.00
- 8 41-100 pages.....\$1.50
- 9 101-200 pages.....\$2.00
- 10 Over 200 pages.....\$4.00

11 Copies of enacted bills.....cost of  
12 reproduction.

13 A minimum of \$1.00 shall be charged for any document  
14 required to be mailed.

15 CHAPTER 9

16 Voting Procedure

17 9-1. Except as provided in Joint Rule 9-2, every member  
18 present when a question is put shall vote unless the house  
19 of which he is a member excuses him.

20 9-2. A member who has a personal or private interest in  
21 any measure or bill proposed or pending before the  
22 legislature shall disclose the fact to the house of which he  
23 is a member.

24 9-3. Amendments to the constitution may be proposed by  
25 any member of the legislature. If adopted by an affirmative

1 roll call vote of two-thirds of all the members of the  
2 legislature, the amendment shall be deemed approved by the  
3 legislature (Montana Constitution, Art. XIV, Sec. 8).

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

8 9-5. A roll call vote shall be taken on the request of  
9 two members, if the request occurs before the vote is taken.

10 9-6. On a roll call vote the names of the members shall  
11 be called alphabetically, unless an electrical voting system  
12 is used. A member may not vote or change his vote after the  
13 decision is announced from the chair. A member may not  
14 explain his vote until after the decision is announced from  
15 the chair.

16 9-7. (1) On third reading the question shall be stated  
17 as follows: "Senate (or House) bill number..... having been  
18 read three several times, the question is, shall the bill  
19 pass (or be concurred in)."

20 (2) If an electrical voting system is used, the  
21 ~~presiding officer shall ring the bell~~ the bell shall be rung  
22 ~~after stating the question is stated~~ and then the presiding  
23 officer shall state "Those in favor vote yes ~~yes~~ and those  
24 opposed vote no." After a reasonable pause the presiding  
25 officer asks "Has every member voted?" (reasonable pause)

*S.V.P.I*

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

4 9-8. Two members may pair on a measure that will be  
 5 determined by a majority vote. On a measure requiring a  
 6 two-thirds vote for adoption three members may pair, with  
 7 two members for the measure and one member against. Pairing  
 8 is permitted only when one of the paired members is ~~absent~~  
 9 ~~excused~~ when the vote is taken.

10 9-9. An agreement to pair must be in writing and dated  
 11 and signed by the members agreeing to be bound, and must  
 12 specify the duration of the pair. When an agreement to pair  
 13 is filed with the secretary of the Senate or chief clerk of  
 14 the House of Representatives, it shall bind the members  
 15 signing until the expiration of time for which it was  
 16 signed, unless the paired members sooner appear and ask that  
 17 the agreement be cancelled.

18 9-10. Every vote of each member of the legislature on  
 19 each substantive question in the legislature, in any  
 20 committee, or in Committee of the Whole shall be recorded  
 21 and made public. On final passage of any bill or joint  
 22 resolution the vote shall be taken by ayes and noes and the  
 23 names entered on the journal. ~~Roll call votes on adopting an~~  
 24 ~~adverse committee report, second reading, and on all~~  
 25 ~~amendments offered in Committee of the Whole shall likewise~~

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

#### 12 CHAPTER 10

##### 13 Consent Calendar

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

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

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

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

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

15 (5) Consent calendar legislation will be voted on  
16 following third reading.

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

20 (7) Legislation passed on the consent calendar will  
21 then be transmitted to the second house.

#### 22 CHAPTER 11

##### 23 Statement of Legislative Intent

24 11-1. Definition. For the purpose of compliance with  
25 the Legislative History Act (Title 5, chapter 4, part 4,

1 MCA), a statement of legislative intent regarding a bill  
2 will express the common understanding of those components of  
3 the legislature voting on the bill. This statement differs  
4 from a purpose clause which is used in general to describe  
5 the broad overall objectives of a bill while a statement of  
6 intent is used to guide the details of interpretation by  
7 those charged with implementation of the bill and is phrased  
8 in terms of contingencies, examples or other matter  
9 inappropriate for expression as statutory language.

10 11-2. Limitation. A statement of intent may not  
11 accompany any bill that does not statutorily require one  
12 unless a committee (standing committee, committee of the  
13 whole or conference committee) agrees by a two-thirds vote  
14 to attach the statement.

15 11-3. Statement of intent to accompany bill -- when --  
16 how. A statement shall accompany a bill as follows:

17 (1) Statements of intent are required for bills  
18 delegating rulemaking or licensing authority. The statement  
19 shall be entered on ALTER, printed on paper of the same  
20 color and in the same manner as the bill, and shall be  
21 attached to the bill. The statement shall be printed on  
22 paper of the same color as the bill and attached to the bill  
23 on all subsequent printings of the bill.

24 (2) The standing committee of the house in which the  
25 bill originates is responsible for authoring a statement of

*SJRZ*

1 intent for a bill requiring one.

2 11-4. Modification. Any committee subsequently  
3 considering the bill may amend a previous statement. The  
4 statement of intent will be reflected in the history of the  
5 bill.

6 11-5. Conference committee on intent only. When the  
7 second house concurs in a bill without amendments but  
8 supersedes a previous statement of intent, the bill may not  
9 be enrolled until both houses have agreed on a statement of  
10 intent. If the statement is attached to a bill that does not  
11 statutorily require one, the conference committee can delete  
12 the statement in its entirety.

13 A new statement of intent written by the second house  
14 will be processed in the same manner as a second house  
15 amendment.

16 A regular conference committee may be appointed solely  
17 to resolve differences of intent if the second house's  
18 statement of intent is not so accepted.

-End-

Approved by Comm.  
on Rules

SENATE JOINT RESOLUTION NO. 1

INTRODUCED BY STEPHENS

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

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

That the following joint rules are adopted:

JOINT RULES

CHAPTER 1

Presiding Officer - Decorum,

Order and Debate

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

1-2. The presiding officer, or any member acting as presiding officer, of each house shall preserve order and

decorum, and in case of disturbance or disorderly conduct, may order the galleries or lobbies to be cleared.

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

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

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

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

1-7. Questions of privilege are: first, those affecting

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

8 1-8. The presiding officer of each house shall sign all  
 9 subpoenas approved or issued by the house over which he  
 10 presides. ~~The presiding officer shall certify the payroll as~~  
 11 ~~prepared by legislative council staff.~~ THE PRESIDING  
 12 OFFICERS SHALL CERTIFY AND SIGN THE PAYROLL AS PREPARED BY  
 13 LEGISLATIVE COUNCIL STAFF, INCLUDING THE PAYROLL FOR THE  
 14 LEGISLATIVE COUNCIL STAFF, DURING THE LEGISLATIVE SESSION.

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

22 (2) A paper for or against proposed legislation may not  
 23 be placed on the desks of the members or circulated within  
 24 the chamber unless the person responsible has signed it and  
 25 has received permission from the presiding officer to

1 distribute it in the house concerned.

2 1-10. When the presiding officer is a member of the  
 3 house over which he is presiding he shall vote as any other  
 4 member and may not vote a second time.

#### 5 CHAPTER 2

#### 6 Meetings, Quorums, and Attendance

7 2-1. The hour of meeting of the Senate and House of  
 8 Representatives may be as ordered by the Senate or House.

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

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

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

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

1 2-6. Unless he is excused, a member of the House or  
2 Senate shall be present at every sitting of the house of  
3 which he is a member.

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

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

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

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

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

1 constitute a legislative day.

## 2 CHAPTER 3

### 3 Legislative Employees

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

11 3-2. The Legislative Council shall be responsible for  
12 maintaining personnel files.

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

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

1 private secretary.

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

5 (a) to have custody of all records, bills, documents,  
6 and other papers;

7 (b) to supervise the making and examination of the  
8 journal and the handling of bills and resolutions;

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

14 (d) to collect from the chairman or secretaries of all  
15 standing committees, special committees, ~~committees of the~~  
16 ~~whole~~ and conference committees, the minutes of such  
17 committees and deliver them to the state historical society.  
18 (See Rule 7-4)

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

1 3-7. The duties of the engrossing and enrolling clerks  
2 are:

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

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

12 (i) errors in spelling

13 (ii) errors in numbering sections

14 (iii) adding or deleting underlining or lines through  
15 matter to be stricken

16 (iv) material copied incorrectly from the Montana Code  
17 Annotated.

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

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

24 3-8. (1) The sergeants-at-arms are responsible to the  
25 presiding officers of their respective houses. Their duties

1 are ~~to~~:

2 (a) to maintain order under the direction of the  
3 presiding officer;

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

5 (c) to receive, distribute and have custody of  
6 supplies.

7 3-9. The assistant sergeant-at-arms, doorkeepers,  
8 watchmen, janitors, pages and other employees responsible  
9 for general housekeeping functions are immediately  
10 responsible to the sergeant-at-arms, subject to the general  
11 supervision of the presiding officer.

12 3-10. The duties of the chaplain of each house are to  
13 open each day's session with a prayer.

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

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

1 Qualifications for legislative interns are specified in  
2 Title 5, chapter 6, MCA.

3 3-12. An employee, legislative aide, or legislative  
4 intern of either house is prohibited from lobbying as  
5 defined in Section 5-7-102(1), MCA. However, such person may  
6 testify before a committee of either house on the request of  
7 the committee. Any person violating this rule shall be  
8 discharged.

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

17 3-14. The offices of the Legislative Council shall  
18 serve both the Senate and House of Representatives as  
19 required.

20 The Council staff shall prepare payrolls for ~~signature~~  
21 ~~certification AND SIGNATURE~~ by the presiding officer and  
22 prepare a ~~bimonthly~~ monthly financial report and distribute  
23 the report to legislative leaders in each house and to  
24 members of the Senate Committee on Finance and Claims and  
25 House Committee on Appropriations.

1 3-15. Contracts for purchase or lease of equipment and  
 2 supplies made during the legislative session shall be made  
 3 on the approval of the committee on legislative  
 4 administration of each house, subject to the review of the  
 5 presiding officer of the respective house. Purchase orders  
 6 shall be issued by Legislative Council staff and accounting  
 7 records kept in that office.

#### 8 CHAPTER 4

##### 9 Order of Business

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

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

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

#### 4 CHAPTER 5

##### 5 Motions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER 6

## Bills and Resolutions

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

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

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

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

14 (2) A joint resolution must be adopted by both houses  
 15 and is not approved by the governor. It may be used to:  
 16 (a) express desire, opinion, sympathy, or request of  
 17 the legislature;

18 ~~(b) request an interim study by a legislative~~  
 19 ~~subcommittee;~~

20 (c) to adopt or amend the joint rules;

21 ~~(d) set salaries and other terms of employment for~~  
 22 ~~legislative employees;~~

23 ~~(e) approve construction of a state building under~~  
 24 ~~section 18-2-102 or 20-25-302, MCA;~~

25 ~~(f) deal with disasters and emergencies under Title~~

1 10, specifically as provided in sections 10-3-302(3),  
 2 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

3 (g) submit a negotiated settlement under section  
 4 39-31-305(3), MCA;

5 (h) declare or terminate an energy emergency under  
 6 section 90-4-310, MCA;

7 (i) to ratify or propose amendments to the United  
 8 States Constitution; and

9 (j) to direct changes to, repeal, or direct adoption  
 10 of a rule in the Montana Administrative Code. Except as  
 11 otherwise provided in these rules or the Constitution of the  
 12 State of Montana, a joint resolution is treated in all  
 13 respects as a bill.

14 A copy of every joint resolution is to be transmitted  
 15 after adoption to the secretary of state by the secretary of  
 16 the Senate or chief clerk of the House.

17 6-2. ALL BILL DRAFTING REQUESTS SHALL REQUIRE A  
 18 LEGISLATIVE SPONSOR. Bills shall be typewritten on paper  
 19 eight and one-half by eleven inches with twenty-five  
 20 numbered lines, and shall be introduced in quadruplicate.  
 21 ~~Pica--type-and-a-good-black-ribbon-must-be-used.~~ Bills shall  
 22 be numbered at the foot of each page (except page one) and  
 23 shall have white covers of a substantial material. In  
 24 sections amending existing statutes, matter to be stricken  
 25 out shall be indicated with a line through the words or part

1 to be deleted, and new matter shall be underlined. Sections  
 2 of the Montana Code Annotated repealed or amended in a bill  
 3 shall be stated in the title except for general  
 4 appropriation bills and bills for the codification and  
 5 general revision of the laws. Introduced bills will be  
 6 reproduced on white paper and distributed to legislators.

7 6-3. No bill, except general appropriation bills, and  
 8 bills for the codification and general revision of the laws,  
 9 shall contain more than one subject, which shall be clearly  
 10 expressed in the title. The enacting clause of every law  
 11 shall be as follows: "Be it enacted by the legislature of  
 12 the state of Montana".

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

17 6-4. All appropriation bills shall originate in the  
 18 House of Representatives.

19 The general appropriation bills shall embrace nothing  
 20 but appropriations for the ordinary expenses of the  
 21 legislative, executive, and judicial branches of state  
 22 government, interest on public debt and for public schools.  
 23 All other appropriations shall be made by separate bills,  
 24 each embracing but one subject (Montana Constitution, Art.  
 25 V, Sec. 11(4)). Appropriation bills for the operation of the

1 legislature shall be introduced by the chairman of the House  
2 Committee on Appropriations.

3 6-5. Every statute, unless a different time is  
4 prescribed therein, takes effect on the first day of July of  
5 the year of its passage and approval. Every joint  
6 resolution, unless a different time is prescribed therein,  
7 takes effect from its passage (Sections 1-2-201 and 1-2-202,  
8 MCA).

### 9 2. Introduction

10 6-6. (1) After January 4, 1981, a legislator may not  
11 request more than five bills from the Legislative Council  
12 nor may a legislator introduce more than five bills. This  
13 limit does not apply to:

14 (a) bills requested prior to January 5;

15 (b) interim committee bills;

16 (c) state agency bills;

17 (d) code commissioner bills; or

18 (e) resolutions; OR

19 (F) STANDING COMMITTEE BILLS.

20 (2) Bills and joint resolutions will be checked by the  
21 staff of the Legislative Council prior to consideration-by-a  
22 committee-of-the-legislature introduction for proper format,  
23 style, and legal form. Bills will be entered on the  
24 automated bill drafting equipment, typed, and delivered in  
25 quadruplicate to the requesting legislator. A stamp shall be

1 affixed to the original bill cover and initiated signed to  
2 indicating indicate this COUNCIL review. If such stamp is  
3 not affixed, at-the--time the bill is--delivered--to--the  
4 appropriate-committee-chairman-the-chairman-shall-cause-the  
5 bill--to--be--transmitted-to-the-Council--for-such-review may  
6 not be introduced. Bills-will-be-entered-on--the--automated  
7 bill-drafting-equipment-and-typed-to-facilitate-a-more-rapid  
8 reproductions---if--a--bill--is--not--so--entered--prior--to  
9 introduction-it-will-not-be--considered--by--any--committee  
10 until--it-has-been-reviewed-and-entered--This-review-will-be  
11 made-after-the-eighteenth-day-if-the-sponsor-is-notified-of  
12 a-problem-with-a-bill-and-does-not-respond-to--the--director  
13 of--the-Legislative-Council--within-two-legislative-days--the  
14 bill-will-be-referred-to-the-committee-on-rules-in-the-house  
15 where-the-bill-was-introduced.

16 (3) \* During a session a bill may be introduced by  
17 endorsing it with the name of a member or-committee and  
18 presenting it to the chief clerk or secretary in  
19 quadruplicate. Bills or joint resolutions may be sponsored  
20 jointly by Senate and House members. A jointly sponsored  
21 bill shall be introduced in the house in which the  
22 legislator whose name appears first on the bill is a member.  
23 The chief co-sponsor's JOINT SPONSOR'S name shall appear  
24 immediately to the right of the first sponsor's name. Bills,  
25 joint resolutions, and simple resolutions shall be numbered

1 consecutively in each session of the legislature in separate  
2 series in the order of their receipt.

3 (4) Any bill proposed by a legislative committee or  
4 introduced by request of an administrative or executive  
5 agency or department shall be so indicated following the  
6 names of the sponsors, "By Request of the..... (Name of  
7 Agency or Committee)".

8 (5) Bills may be prefiled, numbered, and preprinted  
9 prior to a legislative session. ~~This will be the~~  
10 ~~responsibility of the~~ by the staff of the Legislative  
11 Council. Actual signatures may appear on the face of the  
12 prefiled bill or signatures may be obtained on a consent  
13 form from the Legislative Council and the sponsor's name  
14 typed on the bill. Additional sponsors may be added ~~at the~~  
15 ~~time of introduction on the first legislative day~~ on motion  
16 of the chief sponsor AT ANY TIME PRIOR TO A STANDING  
17 COMMITTEE REPORT ON THE BILL. These names will be forwarded  
18 to the Legislative Council to be included on the face of the  
19 bill following standing committee approval.

20 All prefiled bills will be made available to the  
21 public.

22 (6) Before introduction a joint resolution described  
23 in Joint Rule 6-1(2)(a) must be approved by the joint rules  
24 committee and each simple resolution must be approved by the  
25 rules committee of the house introducing it. A stamp

1 indicating such approval shall be affixed to the cover of  
2 the resolution before presentation to the chief clerk of the  
3 House or secretary of the Senate.

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 drafting requests must be submitted to the~~  
9 ~~Legislative Council by 5 p.m. four legislative days before~~  
10 ~~introduction deadline for that category of bill or~~  
11 ~~resolution as per the following schedule:~~

	<del>Drafting</del>	<del>Introduction</del>
	<del>Deadline</del>	<del>Deadline</del>
14	General bills	
15	and resolutions	14th Day 18th Day
16	Revenue bills	17th Day 21st Day
17	Committee bills	
18	and resolutions	36th Day 40th Day
19	Appropriations	
20	bills and study	
21	resolutions	None None

22 The following schedule must be followed for submission  
23 of drafting requests and introduction of bills and  
24 resolutions.

25	<u>Request</u>	<u>Introduction</u>
----	----------------	---------------------

	<u>Deadline</u>	<u>Deadline</u>
	<u>5:00 P.M.</u>	<u>5:00 P.M.</u>
	<u>Legislative Day</u>	<u>Legislative Day</u>
<u>General Bills and Resolutions</u>	<u>10</u>	<u>14</u>
	<u>(or 2 legislative days after delivery if delivery is after after 14th day)</u>	
<u>Revenue Bills</u>	<u>17</u>	<u>21</u>
<u>Committee Bills and Resolutions</u>	<u>36</u>	<u>40</u>
<u>Committee Revenue Bills</u>	<u>62</u>	<u>66</u>
<u>Appropriation Bills</u>	<u>No deadline</u>	<u>No deadline</u>
<u>Interim Study Resolutions</u>	<u>No deadline</u>	<u>No deadline</u>
<u>Joint Resolutions Concerning</u>	<u>No deadline</u>	<u>No deadline</u>
<u>Administrative Rules</u>		

A sponsor of a bill drafted pursuant to a timely request but which is not delivered by the eighteenth day by the Legislative Council shall have until 5 p.m. two legislative days after delivery to introduce the bill. No other bills except revenue and appropriation bills may be introduced after 5 p.m. on the eighteenth legislative day.

Revenue bills must be introduced by 5 p.m. on the twenty-first legislative day, except that Revenue Committee bills may be introduced until the 60th day. Committee bills approved by the rules committee of the house in which the

committee bill originated may be introduced by the fortieth legislative day. There is no time limit for introduction of appropriation bills.

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

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

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

Failure to override a veto does not constitute final rejection.

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

C. First Reading and Commitment REFERRAL

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

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

8 6-11. No bill shall be considered or become a law  
 9 unless referred to a committee and returned therefrom.

10 6-12. Upon introduction or reception of a bill, it  
 11 shall be referred to a committee by the presiding officer.

12 6-13. A bill may be recommitteed ~~referred~~ at any time  
 13 before its passage.

14 D. Amendments and Substitute Bills

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

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

23 6-16. A committee may recommend that every clause in a  
 24 bill be changed and that entirely new matter be substituted  
 25 so long as the new matter is relevant to the title and

1 subject of the original bill. A substitute bill shall be  
 2 considered as an amendment and not as a new bill.

3 6-17. The proper form of reporting a substitute bill by  
 4 a committee is to propose amendments to strike out all of  
 5 the bill following the enacting clause and to substitute the  
 6 new bill, recommending also any necessary changes in the  
 7 title. If a committee report recommending a substitute for a  
 8 bill originating in the other house is adopted, the  
 9 substitute bill shall be printed.

10 6-18. Amendments to a bill by the second house shall  
 11 not be further amended by the house in which the bill  
 12 originated, but must either be accepted or rejected. ~~Such~~  
 13 ~~amendments shall be referred to the committee that~~  
 14 ~~originally heard the bill for a recommendation that the~~  
 15 ~~amendments be accepted or rejected.~~ If the amendments are  
 16 rejected, a conference committee may be requested by the  
 17 house in which the bill originated.

18 6-19. If a majority of a house adopts a recommendation  
 19 for the passage of a bill originating in that house after it  
 20 has been returned from a committee with amendments, not less  
 21 than six hundred copies of the bill shall be printed on  
 22 yellow paper with all amendments incorporated into the  
 23 printed copies. If the bill has been returned from a  
 24 committee without amendments, only the first sheet shall be  
 25 printed on yellow paper, and the remainder of the text

1 incorporated by reference to the preceding printed version  
 2 of the entire bill. Bills referred to the bills committee  
 3 of the house of origin for printing must be reported within  
 4 three days unless further time is granted by that house.

5 E. Engrossing and Enrolling

6 6-20. When a bill has been reported favorably by  
 7 Committee of the Whole of the house of origin and the report  
 8 has been adopted, the bill shall be engrossed under the  
 9 direction of the bills committee, and when reported  
 10 correctly engrossed by the committee shall be placed on the  
 11 calendar for third reading on the succeeding legislative  
 12 day. Committee of the Whole amendments shall be included in  
 13 the engrossed bill. Copies of the engrossed bill to be  
 14 distributed to legislators will be reproduced on blue paper.  
 15 If a bill is unamended by the Committee of the Whole ~~AND~~  
 16 contains no clerical errors, ~~and is neatly written,~~ it may  
 17 be engrossed without retyping, and only the first sheet  
 18 shall be printed on blue paper with the remainder of the  
 19 text incorporated by reference to the preceding printed  
 20 version of the entire bill.

21 If a bill is amended by the standing committee or  
 22 Committee of the Whole in the second house, the amendments  
 23 will be included in a reference bill and distributed in the  
 24 second house for third reading consideration. The amendments  
 25 will also be reproduced and attached to the reference bill.

1 If the bill passes on third reading, copies of the reference  
 2 bill and second house amendments will be distributed in the  
 3 original house.

4 6-21. When a bill has passed both houses it shall be  
 5 enrolled under the direction of the bills committee of the  
 6 house of origin. An original and two duplicate typewritten  
 7 copies of the bill shall be enrolled, free from all  
 8 corrections and errors, with a margin of two inches at the  
 9 top and one inch on each side, with twenty-five unnumbered  
 10 lines to the page. In sections amending existing statutes  
 11 new matter shall be underlined, and matter stricken with a  
 12 line through it shall be omitted. The typewriting shall be  
 13 done with a black record ribbon, pica type, on paper eight  
 14 and one-half inches wide and eleven inches long. The  
 15 original and two copies of the bill shall be red lined. The  
 16 history of the bill shall also be enrolled and placed ~~in~~  
 17 ~~back of with~~ the bill in a white manuscript cover, upon  
 18 which is written the number of the bill and the title. A  
 19 copy of the history shall be filed with the law library.

20 When the enrolling has been completed, the bill shall  
 21 be examined by the author SPONSOR and the bills committee  
 22 and reported correctly enrolled.

23 The correctly enrolled bill shall be delivered to the  
 24 presiding officer of the house in which the bill originated.  
 25 The presiding officer shall ~~announce from the rostrum the~~

1 ~~announcement-to-be-entered--in--the--journal,--the--specific~~  
 2 ~~bits--to--be--signed-by-him-and-shall-designate-a-time-when~~  
 3 ~~such-bit-shall-be-signed,-and-he-shall~~ sign the original  
 4 and two copies of each bill delivered to him not later than  
 5 the next legislative day after it has been reported  
 6 correctly enrolled, unless the bill is delivered on the last  
 7 legislative day in which event it shall be signed that day.  
 8 The fact of signing shall be ANNOUNCED BY THE PRESIDING  
 9 OFFICER AND entered upon the journal no later than the next  
 10 legislative day. At any time after the report of a bill  
 11 correctly enrolled and before the signing, if a member  
 12 signifies his desire to examine the bill, he shall be  
 13 permitted to do so. The bill shall then be transmitted to  
 14 the other house where the same procedure shall be followed.

15 A bill that has passed both houses of the legislature  
 16 by the ninetieth day may be enrolled; clerically corrected  
 17 by the presiding officers, if necessary; signed by the  
 18 presiding officers; and delivered to the governor not later  
 19 than 5 days after the ninetieth legislative day. All journal  
 20 entries authorized under this rule will be entered on the  
 21 journal for the ninetieth day.

22 The original and two copies signed by the presiding  
 23 officer of each house shall be presented by the bills  
 24 committee to the governor. The bills committee shall take a  
 25 receipt from the governor and shall report to the house the

1 day and hour of such presentation, which shall be entered in  
 2 the journal. The original shall be filed with the secretary  
 3 of state. Signed copies with chapter numbers assigned  
 4 pursuant to Section 5-11-204, shall be filed with the clerk  
 5 of the supreme court and the Legislative Council.

6 6-22. Second Reading -- Committee of the Whole

7 6-22. All bills, except consent calendar bills, which  
 8 have been reported by a committee, accepted by the house  
 9 concerned and printed, shall be posted on the calendar for  
 10 consideration by Committee of the Whole. The  
 11 ~~sergeants-at-arms--of-the-respective-houses~~ secretary of the  
 12 Senate or chief clerk of the House shall record the time  
 13 each bill is received and the time the bill is placed on  
 14 members' desks. Until the fiftieth legislative day, one day  
 15 must elapse between the time a committee approved bill is  
 16 placed on the members' desks and consideration by Committee  
 17 of the Whole. Bills shall be arranged on the calendar in  
 18 numerical order unless they are companion bills or are  
 19 otherwise ordered by the house or Committee of the Whole of  
 20 the house concerned.

21 6-23. Every bill considered in Committee of the Whole  
 22 shall be read by a summary of its title and considered  
 23 section by section.

24 All Committee of the Whole amendments shall be prepared  
 25 and delivered to the clerk for reading before the amendment

1 is voted on. The amendment form will include the date and  
 2 time of the amendment. Each ~~proposed--rejected~~ REJECTED  
 3 ~~PROPOSED amendment shall be identified and kept in the~~  
 4 ~~office of the chief clerk of the House or secretary of the~~  
 5 ~~Senate. Upon adjournment, the text of such amendments shall~~  
 6 ~~be delivered to the state archives.~~

7 6-24. Prior to adoption of a Committee of the Whole  
 8 report, a member may move to segregate a bill. If the motion  
 9 prevails, the bill remains on second reading.

10 6-25. When a Committee of the Whole report on a bill is  
 11 rejected the bill shall remain on second reading.

12 6-26. Either house may resolve itself into a Committee  
 13 of the Whole by approval of a motion for that purpose. So  
 14 far as may be applicable, the rules governing each house  
 15 shall be observed when that house resolves itself into a  
 16 Committee of the Whole, except as follows:

- 17 (1) The only motions in order are to:
- 18 (a) amend;
  - 19 (b) recommend passage or nonpassage;
  - 20 (c) recommend concurrence or nonconcurrence;
  - 21 (d) indefinitely postpone;
  - 22 (e) pass consideration;
  - 23 (f) rise;
  - 24 (g) rise and report; or
  - 25 (h) rise and report progress and ask leave to sit

1 again.

2 (2) The committee may not appoint subcommittees.

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

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

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

14 ~~6. Third Reading -- Consent Calendar -- Governor's Veto~~

15 6-28. No bill shall become a law except by vote of a  
 16 majority of all the members present and voting in each  
 17 house, nor unless on its final passage the vote be taken by  
 18 ayes and noes, and the names of those voting be entered on  
 19 the journal (Montana Constitution, Art. V, Sec. 11(1) and  
 20 (2)).

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

1           6-29. Except for consent calendar bills, every bill  
2 shall be read three times prior to passage, either by title  
3 or by summary of title as provided in these rules. The first  
4 reading shall be as prescribed in Joint Rule 6-10; the  
5 second prior to debate in Committee of the Whole; and the  
6 third, which shall be by complete title, prior to final  
7 passage. No bill shall receive more than one reading on the  
8 same day except on the last legislative day. No amendment  
9 may be offered on the third reading.

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

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

1 return a bill for amendment a second time.

2           (3) If after receipt of a veto message, two-thirds of  
3 the members present approve the bill, it shall become law.  
4 ~~if the originating house does not finally act within 5~~  
5 ~~legislative days on a veto received while in session, the~~  
6 ~~bill is dead.~~

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

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

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

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

1 then subject to the following procedures:

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

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

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

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

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

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

25 6. Transmittal of Bills

1 6-33. Each house shall transmit to the other with any  
2 bill all relevant papers. When a house bill is transmitted  
3 from the House of Representatives to the Senate, the  
4 secretary of the Senate shall give a dated receipt for the  
5 bill to the chief clerk of the House. When a Senate bill is  
6 transmitted to the House of Representatives, the chief clerk  
7 of the House shall give a dated receipt to the secretary of  
8 the Senate.

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

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

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

1 transmitted after the seventieth day.

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

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

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

24 A completed fiscal note shall be submitted by the  
25 budget director to the presiding officer who requested it,

1 who shall refer it to the committee considering the bill.  
2 All fiscal notes shall be printed and placed on the members'  
3 desks.

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

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

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

17 The budget director shall make available on request to  
18 any member of the legislature all background information  
19 used in developing a fiscal note (Title 5, chapter 4, part  
20 2, MCA).

## 21 CHAPTER 7

### 22 Committees

23 7-1. The committee on legislative administration of  
24 each house shall consider all matters concerned with  
25 seating, mileage and ~~per-diem~~ expenses, legislative

1 employees, the control of the legislative property, and the  
 2 budgeting for and expenditure of appropriations for the  
 3 operation of the legislature, in cooperation with the  
 4 Legislative Council staff.

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

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

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

24 7-5. The committee on bills and journal, the rules  
 25 committee, and conference committees may report at any time,

1 except during a call of the house or when a vote is being  
 2 taken. Reports from the bills and journal committee shall  
 3 stand approved without formal action.

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

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

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

1 announcement shall not affect the validity of the  
2 legislation. The conference committees, having conferred,  
3 shall report to their respective houses the result of their  
4 conference. A conference committee shall confine itself to  
5 the disputed amendment.

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

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

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

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

1 the final legislative day a conference committee report  
2 shall be placed on the calendar for immediate consideration  
3 on second reading and shall be further considered on third  
4 reading the same legislative day.

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

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

#### 15 CHAPTER 8

#### 16 Rules and Journal

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

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

24 (1) the number of each bill when it is introduced and  
25 subsequently considered; the title of each bill shall be

1 printed in the index of the permanent journals.

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

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

6 (4) committee reports;

7 (5) roll call votes;

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

9 (7) an entry of the oath taken by the members (Sec.  
10 5-2-214, MCA).

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

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

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

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

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

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

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

25 8-8. Pursuant to the authority established in Sections

1 5-11-211 through 5-11-214, the following fee schedule is  
2 established for the legislative proceedings:

3 One complete set of the proceedings of any regular  
4 session, ~~\$240~~ \$250; an additional \$150 is required for  
5 mailing.

6 One complete set of the proceedings of any special  
7 session, \$25.

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

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

19 A minimum of \$1.00 shall be charged for any document  
20 required to be mailed.

21 CHAPTER 9

22 Voting Procedure

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

1 9-2. A member who has a personal or private interest in  
2 any measure or bill proposed or pending before the  
3 legislature shall disclose the fact to the house of which he  
4 is a member.

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

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

14 9-5. A roll call vote shall be taken on the request of  
15 two members, if the request occurs before the vote is taken.

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

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

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

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

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

24 9-10. Every vote of each member of the legislature on  
 25 each substantive question in the legislature, in any

1 committee, or in Committee of the Whole shall be recorded  
 2 and made public. On final passage of any bill or joint  
 3 resolution the vote shall be taken by ayes and noes and the  
 4 names entered on the journal. ~~Roll call votes on adopting an~~  
 5 ~~adverse committee report, second reading, and on all~~  
 6 ~~amendments offered in committee of the whole shall likewise~~  
 7 ~~be taken by ayes and noes and the names entered on the~~  
 8 ~~journal.~~ ROLL CALL VOTES SHALL BE TAKEN BY AYES AND NOES AND  
 9 THE NAMES ENTERED ON THE JOURNAL ON ADOPTING AN ADVERSE  
 10 COMMITTEE REPORT AND ON THOSE MOTIONS MADE IN COMMITTEE OF  
 11 THE WHOLE REFERRED TO IN JOINT RULE 6-26(1)(A) THROUGH (D).  
 12 A roll call vote shall be taken on nonsubstantive questions  
 13 on the request of two members, who may likewise on any vote,  
 14 request that the ayes and noes be spread upon the journal.  
 15 Roll call votes and other votes which are to be made public  
 16 but are not specifically required to be spread upon the  
 17 journal shall be entered in the minutes of the appropriate  
 18 committee or of the appropriate house and a copy of such  
 19 minutes shall be filed with the Montana state historical  
 20 society (Montana Constitution, Art. V, Sec. 11(2)).

#### 21 CHAPTER 10

#### 22 Consent Calendar

23 10-1. Noncontroversial bills and simple and joint  
 24 resolutions qualifying for the consent calendar may be  
 25 processed by a standing committee according to the following

1 provisions:

2 (1) To be eligible for the consent calendar, the  
3 legislation must receive unanimous vote by the members of  
4 the standing committee in attendance (do pass, do pass as  
5 amended). In addition a motion must be made and passed  
6 unanimously to place the legislation on the consent calendar  
7 and this action reflected in the committee report. No  
8 appropriation or revenue bills may be recommended for the  
9 consent calendar.

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

13 (3) Legislation shall be immediately posted (as soon  
14 as it is received from printing) on the consent calendar and  
15 must remain there for one legislative day before  
16 consideration under Order of Business No. 11, Special Orders  
17 of the Day. At that time, the presiding officer will  
18 announce consideration of the consent calendar and allow  
19 "reasonable time" for questions and answers upon request. No  
20 debate will be allowed.

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

24 (5) Consent calendar legislation will be voted on  
25 following third reading.

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

4 (7) Legislation passed on the consent calendar will  
5 then be transmitted to the second house.

6 CHAPTER 11

7 Statement of Legislative Intent

8 11-1. Definition. For the purpose of compliance with  
9 the Legislative History Act (Title 5, chapter 4, part 4,  
10 MCA), a statement of legislative intent regarding a bill  
11 will express the common understanding of those components of  
12 the legislature voting on the bill. This statement differs  
13 from a purpose clause which is used in general to describe  
14 the broad overall objectives of a bill while a statement of  
15 intent is used to guide the details of interpretation by  
16 those charged with implementation of the bill and is phrased  
17 in terms of contingencies, examples, or other matter  
18 inappropriate for expression as statutory language.

19 11-2. Limitation. A statement of intent may not  
20 accompany any bill that does not statutorily require one  
21 unless a committee (standing committee, committee of the  
22 whole or conference committee) agrees by a two-thirds vote  
23 to attach the statement.

24 11-3. Statement of intent to accompany bill -- when --  
25 how. A statement shall accompany a bill as follows:

1 (1) Statements of intent are required for bills  
 2 delegating rulemaking or licensing authority. The statement  
 3 shall be entered on ALTER, printed on paper of the same  
 4 color and in the same manner as the bill, and shall be  
 5 attached to the bill. The statement shall be printed on  
 6 paper of the same color as the bill and attached to the bill  
 7 on all subsequent printings of the bill.

8 (2) The standing committee of the house in which the  
 9 bill originates is responsible for authoring a statement of  
 10 intent for a bill requiring one.

11 11-4. Modification. Any committee subsequently  
 12 considering the bill may amend a previous statement. The  
 13 statement of intent will be reflected in the history of the  
 14 bill.

15 11-5. Conference committee on intent only. When the  
 16 second house concurs in a bill without amendments but  
 17 supersedes a previous statement of intent, the bill may not  
 18 be enrolled until both houses have agreed on a statement of  
 19 intent. If the statement is attached to a bill that does not  
 20 statutorily require one, the conference committee can delete  
 21 the statement in its entirety.

22 A new statement of intent written by the second house  
 23 will be processed in the same manner as a second house  
 24 amendment.

25 A regular conference committee may be appointed solely

1 to resolve differences of intent if the second house's  
 2 statement of intent is not so accepted.

3 SENATE RULES

4 CHAPTER 1

5 Presiding Officer -- Decorum,

6 Order and Debate

7 S1-1. The senate shall choose a president from its  
 8 membership who shall be the presiding officer. In case of  
 9 the absence or disqualification of the president, the  
 10 president pro tempore of the senate shall perform the duties  
 11 of the president until the vacancy is filled or the  
 12 disability removed.

13 S1-2. The senate shall, at the beginning of each  
 14 regular session, and at such other times as may be  
 15 necessary, elect one of its members president pro tempore.  
 16 The senate shall choose its other officers, and shall be the  
 17 judge of the elections, returns, and qualifications of its  
 18 members.

19 S1-3. The president and president pro tempore, when  
 20 acting as presiding officer of the senate, shall vote as any  
 21 other member of the senate.

22 S1-4. The president may name a senator to perform the  
 23 duties of the chair, when the president pro tempore is not  
 24 present in the senate chamber. The senator who is so named  
 25 is vested during such time with all the powers of the

1 president; but he does not lose the right to vote on any  
2 question while presiding.

3 S1-5. No senator shall speak more than twice on any  
4 one motion or question without unanimous consent of the  
5 senate, unless he has introduced or proposed the motion or  
6 question under debate, in which case he may speak twice and  
7 also close the debate. However, a senator who has spoken  
8 shall not speak again on the same motion or question to the  
9 exclusion of a senator who has not spoken.

10 S1-6. On order of business No. 8 -- In addition to  
11 other methods a recorded vote may be made in the following  
12 manner: the chair may call for a voice vote to accept or  
13 reject a question. If the vote is other than unanimous, the  
14 chair may ask that the lesser number on the question  
15 indicate their vote by standing. The secretary will then  
16 record the vote of those standing. The chair may then rule  
17 that unless excused those not standing and present have  
18 voted on the prevailing side of the question and that their  
19 vote be recorded as such. If there was a unanimous voice  
20 vote, all those present will be recorded as having voted for  
21 the question.

22 S1-7. Only the following persons may be admitted to  
23 the floor of the senate during sessions: legislators,  
24 legislative officers and employees whose presence is  
25 necessary for the conduct of the business of the session,

1 accredited members of the press, radio and television,  
2 former legislators. The rules committee shall be allowed to  
3 make exceptions for visiting dignitaries.

#### 4 CHAPTER 4

##### 5 Order of Business

6 S4-1. On order of business No. 2 (reports of standing  
7 committees), no debate shall be had on any report unless a  
8 minority report or a report without recommendation has been  
9 submitted. Any member seeking a reconsideration of the  
10 senate's action on the adoption of a committee report shall  
11 do so on order of business No. 6 by motion to reconsider.  
12 Any member may make such motion and need not have voted on  
13 the prevailing side. This rule shall apply notwithstanding  
14 any joint rule to the contrary.

15 A bill reported from committee without recommendation  
16 shall be ordered printed and placed on second reading.

#### 17 CHAPTER 5

##### 18 Motions

19 S5-1. All proper motions on second reading are  
20 debatable. If a motion to reconsider third reading action  
21 on a bill or resolution is carried, there shall be no  
22 further action on that bill or resolution until the  
23 succeeding legislative day.

#### 24 CHAPTER 7

##### 25 Committees



1 these rules.

2 CHAPTER 10

3 Nominations from the Governor

4 S10-1. The governor shall nominate, and by and with  
5 the consent of the senate, appoint all officers whose  
6 offices are established by the constitution or which may be  
7 created by law, and whose appointment or election is not  
8 otherwise provided for. If during a recess of the senate a  
9 vacancy occurs in any such office, the governor shall  
10 appoint some fit person to discharge the duties thereof  
11 until the next meeting of the senate, when he shall nominate  
12 some person to fill such office.

13 S10-2. When nominations are sent by the governor to  
14 the senate for confirmation, they shall not be acted on  
15 before the next succeeding legislative day, except  
16 nominations sent by the governor on the last legislative day  
17 of the session, which shall be acted upon that day.

18 HOUSE RULES

19 CHAPTER 1

20 Presiding Officer -- Decorum,

21 Order and Debate

22 H1-1. The house of representatives shall elect one of  
23 its members speaker. The house shall choose its other  
24 officers, and shall be the judge of the elections, returns,  
25 and qualifications of its members.

1 H1-2. The house shall elect one of its members speaker  
2 ~~pro tempore~~ who shall perform all of the duties of the  
3 ~~speaker~~ in the absence of that officer, and on such other  
4 ~~occasions~~ as the speaker may request.

5 H1-3. No member shall speak for longer than thirty  
6 minutes in debate on any one motion or question.

7 H1-4. No member shall speak more than once on the same  
8 question without the unanimous consent of the house, unless  
9 he has proposed or introduced the matter under debate, in  
10 which case he may speak in reply after all members choosing  
11 to speak have spoken.

12 H1-6. If the motions "do pass" and "do not pass" or  
13 "indefinitely postpone" both fail on Second Reading, a  
14 motion to reconsider is in order in Committee of the Whole.

15 CHAPTER 2

16 Meetings, Quorums, and Attendance

17 H2-2. Lobbying on the floor of the House of  
18 Representatives is prohibited during the session and within  
19 two hours prior to the commencement of a session and within  
20 one-half hour after recess or adjournment.

21 CHAPTER 7

22 Committees

23 H7-1. The standing committees of the house are as  
24 follows:

- 25 1. Agriculture, Livestock and Irrigation

1           2. Appropriations  
 2           3. Business and Industry  
 3           4. Education and Cultural Resources  
 4           5. Fish and Game  
 5           6. Highways and Transportation  
 6           7. Judiciary  
 7           8. Labor and Employment Relations  
 8           9. Legislative Administration/Bills and Journal  
 9           10. Local Government  
 10          11. Natural Resources  
 11          12. Human Services  
 12          13. Rules  
 13          14. State Administration  
 14          15. Taxation  
 15          The first named member of a committee is the chairman,  
 16          and in his absence the next named member, and so on.  
 17          H7-2. The committee on rules shall consist of the  
 18          speaker, the majority leader, and other members of the  
 19          majority party appointed by the speaker, the minority  
 20          leader, and other members of the minority party designated  
 21          by the minority leader and appointed by the speaker. The  
 22          speaker shall appoint other standing committees, select  
 23          committees, and house membership on joint committees and  
 24          conference committees.  
 25          H7-3. All bills having "Do Pass" committee

1          recommendations shall be deemed adopted and shall be placed  
 2          on second reading unless they are referred to a committee by  
 3          motion duly made on order of business No. 6.  
 4          If the committee report is that the bill "Do Not Pass",  
 5          the bill shall be posted by the chief clerk of the house and  
 6          the members of the house have 24 hours in which to indicate  
 7          in writing to the chief clerk that they wish to have the  
 8          bill debated. If 10 members so indicate, the bill will be  
 9          placed on second reading for debate. If no such indication  
 10          is made, the committee report will be voted on order of  
 11          business No. 2 without debate.

## CHAPTER B

## Rules

12          H8-1. (1) A motion to amend or adopt a rule of the  
 13          house shall be referred to the committee on rules, which  
 14          shall report no later than the next legislative day. Unless  
 15          recommended by the committee on rules, no house rule shall  
 16          be amended or adopted except by a two-thirds vote.

17          (2) A house rule may be suspended temporarily for a  
 18          specified purpose by unanimous consent.

19          H8-2. Mason's Manual of Legislative Procedure governs  
 20          the proceedings of the house of representatives in all cases  
 21          not covered by these rules.  
 22  
 23

-End-

THIRD READING BILL  
WAS NOT PRINTED.

January 14, 1981

HOUSE COMMITTEE OF THE WHOLE

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

1. Page 19, line 22.  
Following: line 21  
Insert: "(G) APPROPRIATION BILLS"

1. Page 19  
Following: line 22.  
Insert: "(H) Taxation Bills."

1. Page 19, line 13.  
Following: "Council"  
Strike: "nor may a legislator introduce more than five bills"

January 14, 1981

HOUSE STANDING COMMITTEE REPORT  
Rules

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

1. Page 19, line 10.  
Strike: "After January 4, 1981, a"  
Insert: "A"
2. Page 19, line 14.  
Strike: "January 5"  
Insert: "the convening date of each session"
3. Page 19, line 20.  
Strike: "Bills and joint resolutions will be checked by"  
Insert: "All bills and resolutions will be submitted to"
4. Page 19, line 22.  
After: "for"  
Insert: "drafting or for compliance with"
5. House Rules Committee Report dated January 13, 1981.  
Strike: Amendment No. 1 in its entirety.

HOUSE STANDING COMMITTEE REPORT  
RULES

Respectfully report as follows: That.....SENATE JOINT RESOLUTION.....SM No. 1.....

BE AMENDED TO READ:

1. Page 19,  
line 18.  
Strike: "OR"  
line 19.  
Strike: "."  
Insert: "; "OR"  
After line 19.  
Insert new subsection: (g) Appropriation bills

2. Page 3, line 11.  
Strike: All new material on lines 11 thru 14.

DO PASS AS AMENDED

STATE PUB. CO.  
Helena, Mont.

FAGG

HARRISON G. FAGG

Chairman.

## 1 SENATE JOINT RESOLUTION NO. 1

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 THEIR 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 JOINT RULES

## 12 CHAPTER 1

## 13 Presiding Officer - Decorum,

## 14 Order and Debate

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

24 1-2. The presiding officer, or any member acting as  
25 presiding officer, of each house shall preserve order and

1 decorum, and in case of disturbance or disorderly conduct,  
2 may order the galleries or lobbies to be cleared.

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

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

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

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

25 1-7. Questions of privilege are: first, those affecting

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

8 1-8. The presiding officer of each house shall sign all  
 9 subpoenas approved or issued by the house over which he  
 10 presides. ~~The presiding officer shall certify the payroll as~~  
 11 ~~prepared by legislative council staff. THE PRESIDING~~  
 12 ~~OFFICERS SHALL CERTIFY AND SIGN RECEIVE A COPY OF THE~~  
 13 ~~PAYROLL AS PREPARED BY LEGISLATIVE COUNCIL STAFF, INCLUDING~~  
 14 ~~THE PAYROLL FOR THE LEGISLATIVE COUNCIL STAFF, DURING THE~~  
 15 ~~LEGISLATIVE SESSION.~~

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

23 (2) A paper for or against proposed legislation may not  
 24 be placed on the desks of the members or circulated within  
 25 the chamber unless the person responsible has signed it and

1 has received permission from the presiding officer to  
 2 distribute it in the house concerned.

3 1-10. When the presiding officer is a member of the  
 4 house over which he is presiding he shall vote as any other  
 5 member and may not vote a second time.

## 6 CHAPTER 2

### 7 Meetings, Quorums, and Attendance

8 2-1. The hour of meeting of the Senate and House of  
 9 Representatives may be as ordered by the Senate or House.

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

14 2-3. The sessions of the legislature and of the  
 15 Committee of the Whole, all committee meetings, and all  
 16 hearings shall be open to the public (Montana Constitution,  
 17 Art. V, Sec. 10(3)).

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

22 2-5. A majority of each house shall constitute a quorum  
 23 to do business, but a smaller number may adjourn from day to  
 24 day and compel the attendance of absent members, in such  
 25 manner and under such penalties as each house may prescribe

1 (Montana Constitution, Art. V, Sec. 10(2)).

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

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

9 2-8. If a quorum is present, five members of the Senate  
10 may order a call of the Senate, and fifteen members of the  
11 House of Representatives may order a call of the House.

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

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

25 2-11. If either house is in session upon a given day,

1 whether or not the other house is in session, that day shall  
2 constitute a legislative day.

### 3 CHAPTER 3

#### 4 Legislative Employees

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

12 3-2. The Legislative Council shall be responsible for  
13 maintaining personnel files.

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

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

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

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

6 (a) ~~to~~ have custody of all records, bills, documents,  
7 and other papers;

8 (b) ~~to~~ supervise the making and examination of the  
9 journal and the handling of bills and resolutions;

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

15 (d) ~~to~~ collect from the chairman or secretaries of all  
16 standing committees, special committees, ~~Committees--of--the~~  
17 ~~House~~ and conference committees, the minutes of such  
18 committees and deliver them to the state historical society.  
19 (See Rule 7-4)

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

1 subject to the general supervision of the presiding officer.

2 3-7. The duties of the engrossing and enrolling clerks  
3 are:

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

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

13 (i) errors in spelling

14 (ii) errors in numbering sections

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

17 (iv) material copied incorrectly from the Montana Code  
18 Annotated.

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

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

25 3-8. (1) The sergeants-at-arms are responsible to the

1 presiding officers of their respective houses. Their duties  
2 are to:

3 (a) to maintain order under the direction of the  
4 presiding officer;

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

6 (c) to receive, distribute and have custody of  
7 supplies.

8 3-9. The assistant sergeant-at-arms, doorkeepers,  
9 watchmen, janitors, pages and other employees responsible  
10 for general housekeeping functions are immediately  
11 responsible to the sergeant-at-arms, subject to the general  
12 supervision of the presiding officer.

13 3-10. The duties of the chaplain of each house are to  
14 open each day's session with a prayer.

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

25 No member may designate more than one aide without the

1 approval of the Rules Committee of the house involved.

2 Qualifications for legislative interns are specified in  
3 Title 5, chapter 6, MCA.

4 3-12. An employee, legislative aide, or legislative  
5 intern of either house is prohibited from lobbying as  
6 defined in Section 5-7-102(1), MCA. However, such person may  
7 testify before a committee of either house on the request of  
8 the committee. Any person violating this rule shall be  
9 discharged.

10 3-13. Disputes or complaints involving the competency  
11 or decorum of a legislative employee shall be referred to  
12 the committee on legislative administration of the house by  
13 which the employee is employed. The committee, in its  
14 discretion, may dismiss, suspend or retain the employee. The  
15 committee on legislative administration shall periodically  
16 review the roster of employees and shall dismiss surplus  
17 employees.

18 3-14. The offices of the Legislative Council shall  
19 serve both the Senate and House of Representatives as  
20 required.

21 The Council staff shall prepare payrolls for signature  
22 certification AND SIGNATURE by the presiding officer and  
23 prepare a ~~bimonthly~~ monthly financial report and distribute  
24 the report to legislative leaders in each house and to  
25 members of the Senate Committee on Finance and Claims and

## 1 House Committee on Appropriations.

2 3-15. Contracts for purchase or lease of equipment and  
3 supplies made during the legislative session shall be made  
4 on the approval of the committee on legislative  
5 administration of each house, subject to the review of the  
6 presiding officer of the respective house. Purchase orders  
7 shall be issued by Legislative Council staff and accounting  
8 records kept in that office.

## 9 CHAPTER 4

## 10 Order of Business

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

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

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

## 5 CHAPTER 5

## 6 Motions

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

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

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

25 A question may be indefinitely postponed by a majority

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

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

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

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

1 and conclusively settled.

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

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

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

18 5-8. The following motions are not debatable:

- 19 (1) to adjourn
- 20 (2) for a call of the house
- 21 (3) to recess
- 22 (4) for parliamentary inquiry
- 23 (5) for suspension of the rules
- 24 (6) to lay on the table
- 25 (7) for the previous question

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

## CHAPTER 6

## Bills and Resolutions

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

22 6-1. The only types of instruments other than bills  
 23 which may be introduced in either house of the legislature  
 24 are as follows:

- 25 (1) A simple resolution is a formalized motion passed

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

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

15 (2) A joint resolution must be adopted by both houses  
 16 and is not approved by the governor. It may be used to:

17 (a) express desire, opinion, sympathy, or request of  
 18 the legislature;

19 ~~(b) request an interim study by a legislative~~  
 20 ~~subcommittee;~~

21 (c) to adopt or amend the joint rules;

22 ~~(d) set salaries and other terms of employment for~~  
 23 ~~legislative employees;~~

24 ~~(e) approve construction of a state building under~~  
 25 ~~section 18-2-102 or 20-25-302, MCA;~~

1 ~~(f) deal with disasters and emergencies under Title~~  
 2 ~~10, specifically as provided in sections 10-3-302(3),~~  
 3 ~~10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;~~

4 ~~(g) submit a negotiated settlement under section~~  
 5 ~~39-31-305(3), MCA;~~

6 ~~(h) declare or terminate an energy emergency under~~  
 7 ~~section 90-4-310, MCA;~~

8 ~~(i) to ratify or propose amendments to the United~~  
 9 ~~States Constitution; and~~

10 ~~(j) to direct changes to, repeal, or direct adoption~~  
 11 ~~of a rule in the Montana Administrative Code. Except as~~  
 12 ~~otherwise provided in these rules or the Constitution of the~~  
 13 ~~State of Montana, a joint resolution is treated in all~~  
 14 ~~respects as a bill.~~

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

18 ~~6-2. ALL BILL DRAFTING REQUESTS SHALL REQUIRE A~~  
 19 ~~LEGISLATIVE SPONSOR.~~ Bills shall be typewritten on paper  
 20 eight and one-half by eleven inches with twenty-five  
 21 numbered lines, and shall be introduced in quadruplicate.  
 22 ~~Pica-type-and-a-good-black-ribbon-must-be-used.~~ Bills shall  
 23 be numbered at the foot of each page (except page one) and  
 24 shall have white covers of a substantial material. In  
 25 sections amending existing statutes, matter to be stricken

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

8 6-3. No bill, except general appropriation bills, and  
 9 bills for the codification and general revision of the laws,  
 10 shall contain more than one subject, which shall be clearly  
 11 expressed in the title. The enacting clause of every law  
 12 shall be as follows: "Be it enacted by the legislature of  
 13 the state of Montana".

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

18 6-4. All appropriation bills shall originate in the  
 19 House of Representatives.

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

1 V, Sec. 11(4)). Appropriation bills for the operation of the  
2 legislature shall be introduced by the chairman of the House  
3 Committee on Appropriations.

4 6-5. Every statute, unless a different time is  
5 prescribed therein, takes effect on the first day of July of  
6 the year of its passage and approval. Every joint  
7 resolution, unless a different time is prescribed therein,  
8 takes effect from its passage (Sections 1-2-201 and 1-2-202,  
9 MCA).

10 B. Introduction

11 6-6. ~~(1) After January 4, 1984, a legislator may~~  
12 ~~not request more than five bills from the Legislative~~  
13 ~~Council nor may a legislator introduce more than five bills.~~  
14 This limit does not apply to:

15 (a) bills requested prior to January 5 THE CONVENING  
16 DATE OF EACH SESSION;

17 (b) interim committee bills;

18 (c) state agency bills;

19 (d) code commissioner bills; or

20 (e) resolutions; OR OR

21 (F) STANDING COMMITTEE BILLS; OR OR;

22 (G) APPROPRIATION BILLS;

23 (H) APPROPRIATION BILLS; OR

24 (I) TAXATION BILLS;

25 (2) Bills and joint resolutions will be checked by ALL

1 BILLS AND RESOLUTIONS WILL BE SUBMITTED TO the staff of the  
2 Legislative Council prior to consideration by a committee of  
3 the legislature introduction for DRAFTING OR FOR COMPLIANCE  
4 WITH proper format, style, and legal form. Bills will be  
5 entered on the automated bill drafting equipment, typed, and  
6 delivered in quadruplicate to the requesting legislator. A  
7 stamp shall be affixed to the original bill cover and  
8 initialed signed to indicating indicate this COUNCIL review.  
9 If such stamp is not affixed, at the time the bill is  
10 delivered to the appropriate committee chairman, the  
11 chairman shall cause the bill to be transmitted to the  
12 Council for such review may not be introduced. Bills will  
13 be entered on the automated bill drafting equipment and  
14 typed to facilitate a more rapid reproduction. If a bill is  
15 not so entered prior to introduction, it will not be  
16 considered by any committee until it has been reviewed and  
17 entered. This review will be made after the eighteenth day  
18 if the sponsor is notified of a problem with a bill and does  
19 not respond to the director of the Legislative Council  
20 within two legislative days, the bill will be referred to  
21 the committee on rules in the house where the bill was  
22 introduced.

23 (3) A During a session a bill may be introduced by  
24 endorsing it with the name of a member or committee and  
25 presenting it to the chief clerk or secretary in

1 quadruplicate. Bills or joint resolutions may be sponsored  
 2 jointly by Senate and House members. A jointly sponsored  
 3 bill shall be introduced in the house in which the  
 4 legislator whose name appears first on the bill is a member.  
 5 The chief co-sponsor's JOINT SPONSOR'S name shall appear  
 6 immediately to the right of the first sponsor's name. Bills,  
 7 joint resolutions, and simple resolutions shall be numbered  
 8 consecutively in each session of the legislature in separate  
 9 series in the order of their receipt.

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

15 (5) Bills may be prefiled, numbered, and preprinted  
 16 prior to a legislative session. ~~This will be the~~  
 17 ~~responsibility of the~~ by the staff of the Legislative  
 18 Council. Actual signatures may appear on the face of the  
 19 prefiled bill or signatures may be obtained on a consent  
 20 form from the Legislative Council and the sponsor's name  
 21 typed on the bill. Additional sponsors may be added ~~at the~~  
 22 ~~time of introduction on the first legislative day,~~ on motion  
 23 of the chief sponsor AT ANY TIME PRIOR TO A STANDING  
 24 COMMITTEE REPORT ON THE BILL. These names will be forwarded  
 25 to the Legislative Council to be included on the face of the

1 bill following standing committee approval.

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

4 (6) Before introduction a joint resolution described  
 5 in Joint Rule 6-1(2)(a) must be approved by the joint rules  
 6 committee and each simple resolution must be approved by the  
 7 rules committee of the house introducing it. A stamp  
 8 indicating such approval shall be affixed to the cover of  
 9 the resolution before presentation to the chief clerk of the  
 10 House or secretary of the Senate.

11 ~~6-7. Bills may be introduced until 5 p.m. on the~~  
 12 ~~eighteenth legislative day except revenue bills committee~~  
 13 ~~bills approved by the rules committee of the house in which~~  
 14 ~~the committee bill originated and appropriation bills~~

15 ~~All drafting requests must be submitted to the~~  
 16 ~~Legislative Council by 5 p.m. four legislative days before~~  
 17 ~~introduction deadline for that category of bill or~~  
 18 ~~resolution as per the following schedule:~~

19	-----Drafting-----	Introduction
20	-----Deadline-----	Deadline--
21	General bills	
22	and resolutions-----	14th Day-----18th Day--
23	Revenue bills-----	17th Day-----21st Day--
24	Committee bills	
25	and resolutions-----	36th Day-----40th Day--

1 Appropriations  
 2 bills-and-study  
 3 resolutions-----None-----None-----

4 The following schedule must be followed for submission  
 5 of drafting requests and introduction of bills and  
 6 resolutions.

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

General Bills and Resolutions	10	14
	(or 2 legislative days after delivery if delivery is after after 14th day)	

Revenue Bills	17	21
Committee Bills and Resolutions	36	40
Committee Revenue Bills	62	66
Appropriation Bills	No deadline	No deadline
Interim Study Resolutions	No deadline	No deadline
Joint Resolutions Concerning	No deadline	No deadline
Administrative Rules		

23 A--sponsor--of--a--bill--drafted--pursuant--to--a--timely--request,  
 24 but--which--is--not--delivered--by--the--eighteenth--day--by--the  
 25 legislative--council,--shall--have--until--5--p.m.--two--legislative

1 days--after--delivery--to--introduce--the--bill. No other bills  
 2 except revenue and appropriation bills may be introduced  
 3 after 5 p.m. on the eighteenth legislative day.

4 Revenue bills must be introduced by 5 p.m. on the  
 5 twenty-first legislative day, except that Revenue Committee  
 6 bills may be introduced until the 66th day. Committee bills  
 7 approved by the rules committee of the house in which the  
 8 committee bill originated may be introduced by the fortieth  
 9 legislative day. There is no time limit for introduction of  
 10 appropriation bills.

11 Joint Resolutions affecting rules adopted in the  
 12 Montana Administrative Code may be introduced and  
 13 transmitted at any time during a session.

14 Requests for interim studies may be made by joint  
 15 resolution only and may be introduced and transmitted at any  
 16 time during a session.

17 6-8. No bill may be introduced or received in a house  
 18 after that house has finally rejected a bill during that  
 19 session designed to accomplish the same purpose save upon  
 20 approval by the rules committee of the house in which the  
 21 bill is offered for introduction or reception.

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

24 6-9. At least three-fourths of a standing committee  
 25 must consent to the introduction of a committee bill. Bill

1 drafting--requests--for--committee-sponsored--bills--must-be  
2 received-by-the-legislative-council-staff-by-5-p.m.--on--the  
3 thirty-eighth-legislative-day-and-require-three-fourths-vote  
4 by-the-committees

5 C. First Reading and Commitment REFERRAL

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

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

15 6-11. No bill shall be considered or become a law  
16 unless referred to a committee and returned therefrom.

17 6-12. Upon introduction or reception of a bill, it  
18 shall be referred to a committee by the presiding officer.

19 6-13. A bill may be recommitteed referred at any time  
20 before its passage.

21 D. Amendments and Substitute Bills

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

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

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

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

17 6-18. Amendments to a bill by the second house shall  
18 not be further amended by the house in which the bill  
19 originated, but must either be accepted or rejected. ~~such~~  
20 ~~amendments shall be referred to the committee that~~  
21 ~~originally heard the bill for a recommendation that the~~  
22 ~~amendments be accepted or rejected.~~ If the amendments are  
23 rejected, a conference committee may be requested by the  
24 house in which the bill originated.

25 6-19. If a majority of a house adopts a recommendation

1 for the passage of a bill originating in that house after it  
 2 has been returned from a committee with amendments, not less  
 3 than six hundred copies of the bill shall be printed on  
 4 yellow paper with all amendments incorporated into the  
 5 printed copies. If the bill has been returned from a  
 6 committee without amendments, only the first sheet shall be  
 7 printed on yellow paper, and the remainder of the text  
 8 incorporated by reference to the preceding printed version  
 9 of the entire bill. Bills referred to the bills committee  
 10 of the house of origin for printing must be reported within  
 11 three days unless further time is granted by that house.

12 Engraving and Enrolling

13 6-20. When a bill has been reported favorably by  
 14 Committee of the Whole of the house of origin and the report  
 15 has been adopted, the bill shall be engrossed under the  
 16 direction of the bills committee, and when reported  
 17 correctly engrossed by the committee shall be placed on the  
 18 calendar for third reading on the succeeding legislative  
 19 day. Committee of the Whole amendments shall be included in  
 20 the engrossed bill. Copies of the engrossed bill to be  
 21 distributed to legislators will be reproduced on blue paper.  
 22 If a bill is unamended by the Committee of the Whole, ~~AND~~  
 23 ~~contains no clerical errors, and is neatly written,~~ it may  
 24 be engrossed without retyping, and only the first sheet  
 25 shall be printed on blue paper with the remainder of the

1 text incorporated by reference to the preceding printed  
 2 version of the entire bill.

3 If a bill is amended by the standing committee or  
 4 Committee of the Whole in the second house, the amendments  
 5 will be included in a reference bill and distributed in the  
 6 second house for third reading consideration. The amendments  
 7 will also be reproduced and attached to the reference bill.  
 8 If the bill passes on third reading, copies of the reference  
 9 bill and second house amendments will be distributed in the  
 10 original house.

11 6-21. When a bill has passed both houses it shall be  
 12 enrolled under the direction of the bills committee of the  
 13 house of origin. An original and two duplicate typewritten  
 14 copies of the bill shall be enrolled, free from all  
 15 corrections and errors, with a margin of two inches at the  
 16 top and one inch on each side, with twenty-five unnumbered  
 17 lines to the page. In sections amending existing statutes  
 18 new matter shall be underlined, and matter stricken with a  
 19 line through it shall be omitted. The typewriting shall be  
 20 done with a black record ribbon, pica type, on paper eight  
 21 and one-half inches wide and eleven inches long. The  
 22 original and two copies of the bill shall be red lined. The  
 23 history of the bill shall also be enrolled and placed in  
 24 ~~back of~~ ~~with~~ the bill in a white manuscript cover, upon  
 25 which is written the number of the bill and the title. A

1 ~~copy of the history shall be filed with the law library.~~

2 When the enrolling has been completed, the bill shall  
3 be examined by the author SPONSOR and the bills committee  
4 and reported correctly enrolled.

5 The correctly enrolled bill shall be delivered to the  
6 presiding officer of the house in which the bill originated.  
7 The presiding officer shall ~~announce from the rostrum the~~  
8 ~~announcement to be entered in the journal, the specific~~  
9 ~~bits to be signed by him and shall designate a time when~~  
10 ~~such bits shall be signed and he shall~~ sign the original  
11 and two copies of each bill delivered to him not later than  
12 the next legislative day after it has been reported  
13 correctly enrolled, unless the bill is delivered on the last  
14 legislative day in which event it shall be signed that day.  
15 The fact of signing shall be ANNOUNCED BY THE PRESIDING  
16 OFFICER AND entered upon the journal no later than the next  
17 legislative day. At any time after the report of a bill  
18 correctly enrolled and before the signing, if a member  
19 signifies his desire to examine the bill, he shall be  
20 permitted to do so. The bill shall then be transmitted to  
21 the other house where the same procedure shall be followed.

22 A bill that has passed both houses of the legislature  
23 by the ninetieth day may be enrolled: clerically corrected  
24 by the presiding officers, if necessary; signed by the  
25 presiding officers; and delivered to the governor not later

1 ~~than 5 days after the ninetieth legislative day. All journal~~  
2 ~~entries authorized under this rule will be entered on the~~  
3 ~~journal for the ninetieth day.~~

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

13 E. Second Reading -- Committee of the Whole

14 6-22. All bills, except consent calendar bills, which  
15 have been reported by a committee, accepted by the house  
16 concerned and printed, shall be posted on the calendar for  
17 consideration by Committee of the Whole. The  
18 ~~sergeants-at-arms of the respective houses~~ secretary of the  
19 Senate or chief clerk of the House shall record the time  
20 each bill is received and the time the bill is placed on  
21 members' desks. Until the fiftieth legislative day, one day  
22 must elapse between the time a committee approved bill is  
23 placed on the members' desks and consideration by Committee  
24 of the Whole. Bills shall be arranged on the calendar in  
25 numerical order unless they are companion bills or are

1 otherwise ordered by the house or Committee of the Whole of  
2 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. ~~Each proposed--rejected~~ REJECTED  
10 PROPOSED amendment shall be identified and kept in the  
11 office of the chief clerk of the House or secretary of the  
12 Senate. Upon adjournment, the text of such amendments shall  
13 be delivered to the state archives.

14 6-24. Prior to adoption of a Committee of the Whole  
15 report, a member may move to segregate a bill. If the motion  
16 prevails, the bill remains on second reading.

17 6-25. When a Committee of the Whole report on a bill is  
18 rejected the bill shall remain on second reading.

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

- 24 (1) The only motions in order are to:  
25 (a) amend;

1 (b) recommend passage or nonpassage;

2 (c) recommend concurrence or nonconcurrence;

3 (d) indefinitely postpone;

4 (e) pass consideration;

5 (f) rise;

6 (g) rise and report; or

7 (h) rise and report progress and ask leave to sit  
8 again.

9 (2) The committee may not appoint subcommittees.

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

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

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

21 G. Third Reading -- Consent Calendar -- Governor's Veto

22 6-28. No bill shall become a law except by vote of a  
23 majority of all the members present and voting in each  
24 house, nor unless on its final passage the vote be taken by  
25 ayes and noes, and the names of those voting be entered on

1 the journal (Montana Constitution, Art. V, Sec. 11(1) and  
2 (2)).

3 Any vote in one house on a bill proposing an amendment  
4 to the Montana State Constitution where the mathematical  
5 possibility exists of obtaining the necessary two-thirds  
6 vote of the legislature will cause the bill to progress as  
7 though it had received the majority vote.

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

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

1 a vetoed bill to the legislature with a statement of his  
2 reasons therefor.

3 (2) The governor may return any bill to the  
4 legislature with his recommendation for amendment. If the  
5 legislature passes the bill in accordance with the  
6 governor's recommendation, it shall again return the bill to  
7 the governor for his reconsideration. The governor shall not  
8 return a bill for amendment a second time.

9 (3) If after receipt of a veto message, two-thirds of  
10 the members present approve the bill, it shall become law.  
11 ~~if the originating house does not finally act within 5~~  
12 ~~legislative days on a veto received while in session, the~~  
13 ~~bill is dead.~~

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

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

22 6-31. Upon receipt of a veto message the presiding  
23 officer shall read the message. After the reading a member  
24 may move that the governor's veto shall be overridden. A  
25 vote on the motion shall be determined by roll call. If

1 two-thirds of the members present vote "aye" the veto is  
 2 overridden. If two-thirds of the members present do not vote  
 3 "aye" the veto is sustained.

4 6-32. If the governor returns a bill to the originating  
 5 house with his recommendations for amendment, such house  
 6 shall reconsider the bill under its rules relating to  
 7 amendment offered in Committee of the Whole. The bill is  
 8 then subject to the following procedures:

9 (a) The originating house shall transmit to the second  
 10 house, for consideration under its rules relating to  
 11 amendments in Committee of the Whole, the bill and the  
 12 originating house's approval or disapproval of the  
 13 governor's recommendations.

14 (b) If both houses approve the governor's  
 15 recommendations the bill shall be returned to the governor  
 16 for his reconsideration.

17 (c) If both houses disapprove the governor's  
 18 recommendations the bill shall be returned to the governor  
 19 for his reconsideration.

20 (d) If one house disapproves the governor's  
 21 recommendations and the other house approves, then either  
 22 house may request a conference committee which may be a free  
 23 conference committee.

24 (l) If both houses adopt a conference committee  
 25 report, the bill in accordance with the report shall be

1 returned to the governor for his reconsideration.

2 (ii) If a conference committee fails to reach agreement  
 3 or if its report is not adopted by both houses the  
 4 governor's recommendations shall be considered not approved  
 5 and the bill shall be returned to the governor for further  
 6 consideration.

7 House Transmittal of Bills

8 6-33. Each house shall transmit to the other with any  
 9 bill all relevant papers. When a house bill is transmitted  
 10 from the House of Representatives to the Senate, the  
 11 secretary of the Senate shall give a dated receipt for the  
 12 bill to the chief clerk of the House. When a Senate bill is  
 13 transmitted to the House of Representatives, the chief clerk  
 14 of the House shall give a dated receipt to the secretary of  
 15 the Senate.

16 6-34. No bills, except for appropriation bills,  
 17 revenue bills and amendments considered by joint committee  
 18 need to be acted upon (save for reference to a committee by  
 19 the presiding officer) if transmitted from one house to the  
 20 other after the forty-fifth legislative day, but shall be  
 21 held pending in the house to which it is transmitted unless  
 22 two-thirds of the members present and voting shall determine  
 23 that the bill shall be acted upon. Amendments, except to  
 24 appropriation bills and revenue bills, shall likewise be  
 25 deferred for consideration if transmitted after the

1 seventieth legislative day thereof.

2 A revenue bill is one which would either increase or  
3 decrease tax collections.

4 Appropriation and revenue bills shall be transmitted  
5 from the original house on or before the seventieth day  
6 unless two-thirds of the members present and voting in the  
7 receiving house shall determine that the bill may be  
8 transmitted after the seventieth day.

9 6-35. When a bill has received its third reading or has  
10 been rejected, the house that considered the bill shall  
11 ~~immediately as soon as possible~~ transmit it to the other  
12 house with notice of its action.

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

24 The state budget director, in cooperation with the  
25 agency or agencies affected by the bill, is responsible for

1 the preparation of the fiscal note and shall return the same  
2 within six days, unless further time is granted by the  
3 presiding officer or committee making the request based upon  
4 a written statement from the budget director that additional  
5 time is necessary to properly prepare the note.

6 A completed fiscal note shall be submitted by the  
7 budget director to the presiding officer who requested it,  
8 who shall refer it to the committee considering the bill.  
9 All fiscal notes shall be printed and placed on the members'  
10 desks.

11 Fiscal notes shall, where possible, show in dollar  
12 amounts the estimated increase or decrease in revenues or  
13 expenditures, costs which may be absorbed without additional  
14 funds, and long-range financial implications. No comment or  
15 opinion relative to merits of the bill shall be included;  
16 however, technical or mechanical defects may be noted.

17 A fiscal note also may be requested on a bill and on an  
18 amendment by:

- 19 (1) a committee considering the bill, or  
20 (2) a majority of the members of the house in which  
21 the bill is to be considered, at the time of second reading,  
22 or  
23 (3) the chief sponsor through the presiding officer.  
24 The budget director shall make available on request to  
25 any member of the legislature all background information

1 used in developing a fiscal note (Title 5, chapter 4, part  
2 2, MCA).

3 CHAPTER 7

4 Committees

5 7-1. The committee on legislative administration of  
6 each house shall consider all matters concerned with  
7 seating, mileage and ~~per-diem~~ expenses, legislative  
8 employees, the control of the legislative property, and the  
9 budgeting for and expenditure of appropriations for the  
10 operation of the legislature, in cooperation with the  
11 Legislative Council staff.

12 7-2. A standing committee shall submit a written report  
13 in triplicate on all bills or matters referred to it within  
14 seven days after reference, unless at the request of the  
15 committee and for good cause shown, further time is granted  
16 by the house concerned.

17 7-3. If the members of a committee cannot agree on a  
18 report, the majority and minority of the committee present  
19 at a committee meeting may submit separate reports. Only one  
20 minority report may be submitted. Such reports shall be  
21 entered at length on the journal, unless otherwise ordered  
22 by the house concerned.

23 7-4. All committees and subcommittees shall keep  
24 minutes of their meetings and, at the close of the session,  
25 shall make five ~~an original and two~~ complete copies and

1 shall turn the original of the minutes over to the chief  
2 clerk of the House or secretary of the Senate for delivery  
3 to the historical society. The ~~majority-and-minority--leader~~  
4 ~~of--each--house--and--the~~ Legislative Council ~~and the law~~  
5 ~~library~~ shall each be given one copy of the minutes.

6 7-5. The committee on bills and journal, the rules  
7 committee, and conference committees may report at any time,  
8 except during a call of the house or when a vote is being  
9 taken. Reports from the bills and journal committee shall  
10 stand approved without formal action.

11 7-6. All bills providing for an appropriation of  
12 public money may first be considered by a joint committee  
13 composed of the members of the Senate Committee on Finance  
14 and Claims and the House Committee on Appropriations, and  
15 then by each separately. Meetings of the joint committee  
16 shall be held upon call of the chairman of the House  
17 Committee on Appropriations who shall be chairman of the  
18 joint committee.

19 7-7. The chairman of each committee has general control  
20 and direction of the hall and committee room of the  
21 committee over which he presides, subject to the control of  
22 the presiding officer under Rule 1-3. Except as provided in  
23 Joint Rule 7-6, the chairman of the Senate committee shall  
24 be chairman of all joint committees.

25 7-8. If either house requests a conference and appoints

1 a committee for the purpose of discussing an amendment on  
 2 which the Senate and the House of Representatives cannot  
 3 agree, the other house shall appoint a committee consisting  
 4 of the same number of members. The time and place of all  
 5 conference committee meetings shall be agreed upon by their  
 6 chairman and be announced from the rostrum. This  
 7 announcement is in order at any time. Failure to make this  
 8 announcement shall not affect the validity of the  
 9 legislation. The conference committees, having conferred,  
 10 shall report to their respective houses the result of their  
 11 conference. A conference committee shall confine itself to  
 12 the disputed amendment.

13 If either house requests a free conference committee  
 14 and the other house concurs, appointments will be made the  
 15 same as above. A free conference committee may discuss a  
 16 bill in its entirety and is not confined to a particular  
 17 amendment.

18 7-9. In joint committees other than conference  
 19 committees, members vote individually and not by houses.  
 20 Because conference committees are joint meetings of separate  
 21 committees, in conference committees the committees from  
 22 each house vote separately, and a majority of each committee  
 23 must agree before any action may be taken.

24 7-10. Conference committee reports must give clerical  
 25 instructions for enrolling by referring to the reference

1 bill version.

2 When a conference committee report is filed with the  
 3 secretary or clerk the same shall be read under Order of  
 4 Business No. 3, select committees, and placed on the  
 5 calendar for consideration on second reading. If recommended  
 6 favorably by the Committee of the Whole, it may be  
 7 considered on third reading the same legislative day. On  
 8 the final legislative day a conference committee report  
 9 shall be placed on the calendar for immediate consideration  
 10 on second reading and shall be further considered on third  
 11 reading the same legislative day.

12 7-11. Accredited press representatives may not be  
 13 excluded from any public legislative meeting or hearing and  
 14 may not be prohibited from taking photographs, televising,  
 15 or recording the committee or house hearings, subject to the  
 16 discretion of the presiding officer in all matters of  
 17 decorum and order.

18 7-12. A committee block scheduling system will be  
 19 implemented in the Senate and House of Representatives. The  
 20 schedule will be coordinated between houses and will be  
 21 adjusted according to the legislature's work load.

#### 22 CHAPTER 8

#### 23 Rules and Journal

24 8-1. Each house shall keep a journal of its  
 25 proceedings, and may, in its discretion, from time to time,

1 publish the same, and the ayes and noes on any question  
2 shall, at the request of any two members, be entered on the  
3 journal.

4 8-2. The proceedings of each house which shall be  
5 entered on its journal include:

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

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

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

13 (4) committee reports;

14 (5) roll call votes;

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

16 (7) an entry of the oath taken by the members (Sec.  
17 5-2-214, MCA).

18 8-3. The bills and journal committee of each house  
19 shall supply the Legislative Council with the contents of  
20 the daily journal to be programmed on automated equipment,  
21 examine its journal, distribute a daily journal to all  
22 legislators, correct any errors, and report each legislative  
23 day immediately after roll call.

24 8-4. The journal of the Senate must be authenticated by  
25 the signature of the president, and the journal of the House

1 of Representatives by the signature of the speaker. The  
2 distribution of the completed journals shall be made by the  
3 Legislative Council (Sec. 5-11-201 through 5-11-203, MCA).

4 8-5. (1) A joint rule may be repealed or amended only  
5 with the concurrence of both houses, under the procedures  
6 adopted by each house for the repeal or amendment of its own  
7 rules.

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

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

17 8-6. Mason's Manual of Legislative Procedure governs  
18 the proceedings of the Senate and House of Representatives  
19 in all cases not covered by these rules.

20 8-7. The Legislative Council shall codify and publish  
21 in one volume the rules of the Senate, the rules of the  
22 House of Representatives and the joint rules of the Senate  
23 and House of Representatives. Upon adoption, the secretary  
24 of the Senate and the chief clerk of the House of  
25 Representatives shall provide the office of the Legislative

1 Council with one copy of all motions or resolutions amending  
2 Senate, House or joint rules, and with copies of all minutes  
3 and reports of the rules committees. After the rules have  
4 been published, the Legislative Council shall distribute  
5 copies as directed by the Senate and House of  
6 Representatives.

7 8-8. Pursuant to the authority established in Sections  
8 5-11-211 through 5-11-214, the following fee schedule is  
9 established for the legislative proceedings:

10 One complete set of the proceedings of any regular  
11 session, ~~\$240~~ \$250; an additional \$150 is required for  
12 mailing.

13 One complete set of the proceedings of any special  
14 session, \$25.

15 Single copies of bills, resolutions, amendments, status  
16 sheets, or other documents may be purchased according to the  
17 length of the document as follows:

18	1-5 pages.....	\$ .25
19	6-15 pages.....	\$ .50
20	16-40 pages.....	\$1.00
21	41-100 pages.....	\$1.50
22	101-200 pages.....	\$2.00
23	Over 200 pages.....	\$4.00
24	Copies of enacted bills.....	cost of
25		reproduction.

1 ~~A minimum of \$1.00 shall be charged for any document~~  
2 ~~required to be mailed.~~

3 CHAPTER 9

4 Voting Procedure

5 9-1. Except as provided in Joint Rule 9-2, every member  
6 present when a question is put shall vote unless the house  
7 of which he is a member excuses him.

8 9-2. A member who has a personal or private interest in  
9 any measure or bill proposed or pending before the  
10 legislature shall disclose the fact to the house of which he  
11 is a member.

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

17 9-4. When a measure requiring the concurrence of  
18 two-thirds of the members is under consideration, a majority  
19 vote is sufficient to decide any question relating to the  
20 measure short of third reading.

21 9-5. A roll call vote shall be taken on the request of  
22 two members, if the request occurs before the vote is taken.

23 9-6. On a roll call vote the names of the members shall  
24 be called alphabetically, unless an electrical voting system  
25 is used. A member may not vote or change his vote after the

1 decision is announced from the chair. A member may not  
2 explain his vote until after the decision is announced from  
3 the chair.

4 9-7. (1) On third reading the question shall be stated  
5 as follows: "Senate (or House) bill number..... having been  
6 read three several times, the question is, shall the bill  
7 pass (or be concurred in)."

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

17 9-8. Two members may pair on a measure that will be  
18 determined by a majority vote. On a measure requiring a  
19 two-thirds vote for adoption three members may pair, with  
20 two members for the measure and one member against. Pairing  
21 is permitted only when one of the paired members is ~~absent~~  
22 excused when the vote is taken.

23 9-9. An agreement to pair must be in writing and dated  
24 and signed by the members agreeing to be bound, and must  
25 specify the duration of the pair. When an agreement to pair

1 is filed with the secretary of the Senate or chief clerk of  
2 the House of Representatives, it shall bind the members  
3 signing until the expiration of time for which it was  
4 signed, unless the paired members sooner appear and ask that  
5 the agreement be cancelled.

6 9-10. Every vote of each member of the legislature on  
7 each substantive question in the legislature, in any  
8 committee, or in Committee of the Whole shall be recorded  
9 and made public. On final passage of any bill or joint  
10 resolution the vote shall be taken by ayes and noes and the  
11 names entered on the journal. ~~Roll call votes on adopting an~~  
12 ~~adverse committee report, second reading, and on roll~~  
13 ~~amendments offered in Committee of the Whole shall likewise~~  
14 ~~be taken by ayes and noes and the names entered on the~~  
15 ~~journal~~ ROLL CALL VOTES SHALL BE TAKEN BY AYES AND NOES AND  
16 THE NAMES ENTERED ON THE JOURNAL ON ADOPTING AN ADVERSE  
17 COMMITTEE REPORT AND ON THOSE MOTIONS MADE IN COMMITTEE OF  
18 THE WHOLE REFERRED TO IN JOINT RULE 6-26(1)(A) THROUGH (D).

19 A roll call vote shall be taken on nonsubstantive questions  
20 on the request of two members, who may likewise on any vote,  
21 request that the ayes and noes be spread upon the journal.  
22 Roll call votes and other votes which are to be made public  
23 but are not specifically required to be spread upon the  
24 journal shall be entered in the minutes of the appropriate  
25 committee or of the appropriate house and a copy of such

1 minutes shall be filed with the Montana state historical  
2 society (Montana Constitution, Art. V, Sec. 11(2)).

3 CHAPTER 10

4 Consent Calendar

5 10-1. Noncontroversial bills and simple and joint  
6 resolutions qualifying for the consent calendar may be  
7 processed by a standing committee according to the following  
8 provisions:

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

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

20 (3) Legislation shall be immediately posted (as soon  
21 as it is received from printing) on the consent calendar and  
22 must remain there for one legislative day before  
23 consideration under Order of Business No. 11, Special Orders  
24 of the Day. At that time, the presiding officer will  
25 announce consideration of the consent calendar and allow

1 "reasonable time" for questions and answers upon request. No  
2 debate will be allowed.

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

6 (5) Consent calendar legislation will be voted on  
7 following third reading.

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

11 (7) Legislation passed on the consent calendar will  
12 then be transmitted to the second house.

13 CHAPTER 11

14 Statement of Legislative Intent

15 11-1. Definition. For the purpose of compliance with  
16 the Legislative History Act (Title 5, chapter 4, part 4,  
17 MCA), a statement of legislative intent regarding a bill  
18 will express the common understanding of those components of  
19 the legislature voting on the bill. This statement differs  
20 from a purpose clause which is used in general to describe  
21 the broad overall objectives of a bill while a statement of  
22 intent is used to guide the details of interpretation by  
23 those charged with implementation of the bill and is phrased  
24 in terms of contingencies, examples, or other matter  
25 inappropriate for expression as statutory language.

1 11-2. Limitation. A statement of intent may not  
 2 accompany any bill that does not statutorily require one  
 3 unless a committee (standing committee, committee of the  
 4 whole or conference committee) agrees by a two-thirds vote  
 5 to attach the statement.

6 11-3. Statement of Intent to accompany bill -- when --  
 7 how. A statement shall accompany a bill as follows:

8 (1) Statements of intent are required for bills  
 9 delegating rulemaking or licensing authority. The statement  
 10 shall be entered on ALTER, printed on paper of the same  
 11 color and in the same manner as the bill, and shall be  
 12 attached to the bill. The statement shall be printed on  
 13 paper of the same color as the bill and attached to the bill  
 14 on all subsequent printings of the bill.

15 (2) The standing committee of the house in which the  
 16 bill originates is responsible for authoring a statement of  
 17 intent for a bill requiring one.

18 11-4. Modification. Any committee subsequently  
 19 considering the bill may amend a previous statement. The  
 20 statement of intent will be reflected in the history of the  
 21 bill.

22 11-5. Conference committee on intent only. When the  
 23 second house concurs in a bill without amendments but  
 24 supersedes a previous statement of intent, the bill may not  
 25 be enrolled until both houses have agreed on a statement of

1 intent. If the statement is attached to a bill that does not  
 2 statutorily require one, the conference committee can delete  
 3 the statement in its entirety.

4 A new statement of intent written by the second house  
 5 will be processed in the same manner as a second house  
 6 amendment.

7 A regular conference committee may be appointed solely  
 8 to resolve differences of intent if the second house's  
 9 statement of intent is not so accepted.

-End-

January 13, 1981

SENATE COMMITTEE OF THE WHOLE

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

1. Page 3, line 12.

Following: "SHALL"

Strike: "CERTIFY AND SIGN"

Insert: "receive a copy of"

2. Page 45, lines 19 and 20.

Strike: All underlined material.

There will not be a blue printing. These amendments are the changes made in the yellow printing.

1 SENATE JOINT RESOLUTION NO. 1

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 THEIR 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 JOINT RULES

12 CHAPTER 1

13 Presiding Officer - Decorum,

14 Order and Debate

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

24 1-2. The presiding officer, or any member acting as  
25 presiding officer, of each house shall preserve order and

1 decorum, and in case of disturbance or disorderly conduct,  
2 may order the galleries or lobbies to be cleared.

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

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

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

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

25 1-7. Questions of privilege are: first, those affecting

1 V, Sec. 11(4)). Appropriation bills for the operation of the  
2 legislature shall be introduced by the chairman of the House  
3 Committee on Appropriations.

4 6-5. Every statute, unless a different time is  
5 prescribed therein, takes effect on the first day of July of  
6 the year of its passage and approval. Every joint  
7 resolution, unless a different time is prescribed therein,  
8 takes effect from its passage (Sections 1-2-201 and 1-2-202,  
9 MCA).

10 B. Introduction

11 6-6. ~~(1) After January 1, 1981, a~~ A legislator may  
12 ~~not request more than five bills from the Legislative~~  
13 ~~Council nor may a legislator introduce more than five bills~~  
14 ~~NOR MAY A LEGISLATOR INTRODUCE MORE THAN FIVE BILLS. This~~  
15 ~~limit does not apply to:~~

16 (a) bills requested prior to ~~January 2~~ THE CONVENING  
17 DATE OF EACH SESSION;

18 (b) interim committee bills;

19 (c) state agency bills;

20 (d) code commissioner bills; or

21 (e) resolutions; OR OR

22 (F) STANDING COMMITTEE BILLS; OR OR;

23 (G) APPROPRIATION BILLS

24 (G) APPROPRIATION BILLS; OR

25 (H) TAXATION REVENUE BILLS.

1 ~~(2) Bills and joint resolutions will be checked by~~  
2 ~~BILLS AND JOINT RESOLUTIONS WILL BE CHECKED BY ALL BILLS AND~~  
3 ~~RESOLUTIONS WILL BE SUBMITTED TO~~ the staff of the  
4 Legislative Council prior to consideration by a committee of  
5 the legislature introduction for ~~BRAFFINS OR FOR COMPLIANCE~~  
6 ~~with~~ proper format, style, and legal form. Bills will be  
7 ~~entered on the automated bill drafting equipment, typed, and~~  
8 ~~delivered in quadruplicate to the requesting legislator. A~~  
9 stamp shall be affixed to the original bill cover and  
10 initiated signed to indicating indicate this COUNCIL review.  
11 If such stamp is not affixed, at the time the bill is  
12 delivered to the appropriate committee chairman, the  
13 chairman shall cause the bill to be transmitted to the  
14 Council for such review may not be introduced. Bills will  
15 be entered on the automated bill drafting equipment and  
16 typed to facilitate a more rapid reproduction. If a bill is  
17 not so entered prior to introduction, it will not be  
18 considered by any committee until it has been reviewed and  
19 entered. This review will be made after the eighteenth day  
20 if the sponsor is notified of a problem with a bill and does  
21 not respond to the director of the Legislative Council  
22 within two legislative days, the bill will be referred to  
23 the committee on rules in the house where the bill was  
24 introduced.

25 (3) \* During a session a bill may be introduced by