

SENATE JOINT RESOLUTION NO. 1

INTRODUCED BY HAZELBAKER

IN THE SENATE

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| January 3, 1983 | Introduced and referred to Committee on Rules. |
| January 10, 1983 | Committee recommend bill do pass. Report adopted. |
| January 11, 1983 | Bill printed and placed on members' desks. |
| January 12, 1983 | Second reading, do pass. |
| January 13, 1983 | Considered correctly engrossed. |
| January 14, 1983 | Third reading, passed. Ayes, 44; Noes, 0. Transmitted to House. |

IN THE HOUSE

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| January 15, 1983 | Introduced and referred to Committee on Rules. |
| January 21, 1983 | Committee recommend bill be concurred in as amended. Report adopted. |
| January 24, 1983 | Second reading, concurred in as amended. On motion, rules suspended and bill placed on third reading this day. Third reading, concurred in. |

IN THE SENATE

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| January 25, 1983 | Returned to Senate with amendments. |
| January 27, 1983 | Second reading, pass consideration. |
| January 28, 1983 | Second reading, amendments not concurred in. |
| | Free Conference Committee requested and appointed. |
| February 9, 1983 | Free Conference Committee reported. |
| February 11, 1983 | Free Conference Committee report adopted. |
| February 15, 1983 | Sent to enrolling. |
| | Reported correctly enrolled. |

1 SENATE JOINT RESOLUTION NO. 1
2 INTRODUCED BY HAZELBAKER

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT JOINT RULES
6 TO GOVERN 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 CHAPTER 1
12 Presiding Officer - Decorum,
13 Order and Debate

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

23 1-2. The presiding officer, or any member acting as
24 presiding officer, of each house shall preserve order and

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

INTRODUCED BILL

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

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

10 1-8. The presiding officer of each house shall sign all
11 subpoenas approved or issued by the house over which he
12 presides.

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

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

1 distribute it in the house concerned.

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

4 CHAPTER 2

5 Meetings, Quorums, and Attendance

6 2-1. The hour of meeting of the Senate and House of
7 Representatives may be as ordered by the Senate or House.

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

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

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

20 2-5. A majority of each house shall constitute a quorum
21 to do business, but a smaller number may adjourn from day to
22 day and compel the attendance of absent members, in such

1 manner and under such penalties as each house may prescribe
2 (Montana Constitution, Art. V, Sec. 10(2)).

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

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

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

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

21 2-10. During a call of either house, all business of
22 that house shall be suspended. After a call has been
23 ordered, no motion is in order except a motion to adjourn or

1 remove the call. The call may be removed by a two-thirds
2 vote.

3 2-11. If either house is in session upon a given day,
4 whether or not the other house is in session, that day shall
5 constitute a legislative day.

6 CHAPTER 3

7 Legislative Employees

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

15 3-2. The Legislative Council shall be responsible for
16 maintaining personnel files.

17 3-3. The committee on legislative administration of
18 each house shall appoint a secretary for a standing or
19 special committee on recommendation of the committee
20 chairman, subject to the approval of the respective house. A
21 secretary for a standing or special committee is immediately
22 responsible to the committee chairman, but when not occupied
23 with the duties of a committee, shall work under the

1 direction of the chief stenographer of each house. The
 2 Legislative Council shall hire all engrossing and enrolling
 3 typists and proofreaders, who are under the direction of the
 4 bills committee.

5 3-4. The presiding officer and the majority and
 6 minority floor leader of each house may each appoint a
 7 private secretary.

8 3-5. The secretary of the Senate and chief clerk of the
 9 House of Representatives are responsible to the presiding
 10 officers of their respective houses. Their duties are to:

11 (a) have custody of all records, bills, documents, and
 12 other papers;

13 (b) supervise the making and examination of the
 14 journal and the handling of bills and resolutions;

15 (c) deliver to the secretary of state at the close of
 16 each session the journal, bill books, and resolution books,
 17 and all copies of introduced bills and joint resolutions;

18 (d) collect from the chairmen or secretaries of all
 19 standing committees, special committees, and conference
 20 committees the minutes of such committees and deliver them
 21 to the state historical society. (See Rule 7-4)

22 3-6. Journal clerks, bill clerks, typists, and other

1 employees responsible for legislative functions, except
 2 secretaries for standing or special committees, secretaries
 3 to presiding officers, and secretaries to majority and
 4 minority floor leaders, are immediately responsible to the
 5 secretary of the Senate or the chief clerk of the House,
 6 subject to the general supervision of the presiding officer.

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

9 (a) to engross or enroll all bills delivered to them
 10 within 48 hours after they have been received, unless
 11 further time is granted, in writing, by the presiding
 12 officer of the house in which the bill originated;

13 (b) to correct clerical errors, with the consent of
 14 the secretary of the Senate or chief clerk of the House of
 15 Representatives, in any bill originating in the house by
 16 which they are employed. Clerical errors such as the
 17 following may be corrected:

18 (i) errors in spelling

19 (ii) errors in numbering sections

20 (iii) adding or deleting underlining or lines through
 21 matter to be stricken

22 (iv) material copied incorrectly from the Montana Code

1 Annotated.

2 The secretary of the Senate or chief clerk of the House
3 shall obtain written permission from the principal sponsor
4 before such corrections are made.

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

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

11 (a) maintain order under the direction of the
12 presiding officer;

13 (b) execute commands and serve all processes;

14 (c) receive, distribute, and have custody of supplies.

15 3-9. The assistant sergeants-at-arms, doorkeepers,
16 watchmen, janitors, pages, and other employees responsible
17 for general housekeeping functions are immediately
18 responsible to the sergeant-at-arms, subject to the general
19 supervision of the presiding officer.

20 3-10. The duty of the chaplain of each house is to open
21 each day's session with a prayer.

1 3-11. A legislative aide is a person who has registered
2 with the clerk of the House or secretary of the Senate and
3 has been issued a distinctive identification form such as a
4 name tag. Such identification may be issued only upon
5 receiving written verification from a member that the person
6 involved is serving him as an aide. A person may not
7 represent himself to be a legislative aide unless he carries
8 such identification. The sergeants-at-arms and doorkeepers
9 shall enforce this rule. Legislative aides must be of legal
10 age unless otherwise approved by the presiding officer.

11 No member may designate more than one aide without the
12 approval of the rules committee of the house involved.

13 Qualifications for legislative interns are specified in
14 Title 5, chapter 6, MCA.

15 3-12. An employee, legislative aide, or legislative
16 intern of either house is prohibited from lobbying as
17 defined in Section 5-7-102(1), MCA. However, such person may
18 testify before a committee of either house on the request of
19 the committee. Any person violating this rule shall be
20 discharged.

21 3-13. Disputes or complaints involving the competency
22 or decorum of a legislative employee shall be referred to
23 the committee on legislative administration of the house by

1 which the employee is employed. The committee, in its
2 discretion, may dismiss, suspend, or retain the employee.
3 The committee on legislative administration shall
4 periodically review the roster of employees and shall
5 dismiss surplus employees.

6 3-14. The offices of the Legislative Council shall
7 serve both the Senate and House of Representatives as
8 required.

9 The Council staff shall prepare payrolls for
10 certification and signature by the presiding officer and
11 prepare a monthly financial report and distribute the report
12 to legislative leaders in each house and to members of the
13 Senate committee on finance and claims and House committee
14 on appropriations.

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

22 CHAPTER 4

23 Order of Business

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

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

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

CHAPTER 5

Motions

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

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

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

(10) to postpone indefinitely.

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

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

5-4. Any member may, on the day the vote was taken or on the next day the house in which the action was taken is in session, move to reconsider the question. A motion to reconsider may not be withdrawn after such next legislative day without the unanimous consent of the house concerned, and thereafter any member may call it up for consideration; however, a motion to reconsider made after the 54th day of the session shall be disposed of when made. A motion to recall a bill from the other house constitutes notice to reconsider and shall be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the other house may be made only under Order of Business No. 6 and under that order of business takes precedence over all motions except motions to recess or adjourn.

1 5-5. When a motion to reconsider is laid on the table,
2 a two-thirds majority is required to take it from the table.
3 When a motion to reconsider fails, the question is finally
4 and conclusively settled.

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

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

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

21 5-8. The following motions are not debatable:

22 (1) to adjourn

1 (2) for a call of the house
2 (3) to recess
3 (4) for parliamentary inquiry
4 (5) for suspension of the rules
5 (6) to lay on the table
6 (7) for the previous question
7 (8) to limit, extend the limits of, or to close debate
8 (9) to amend an undebatable motion
9 (10) to divide a question
10 (11) to pass business in Committee of the Whole
11 (12) to take from the table
12 (13) a decision of the presiding officer, unless
13 appealed or unless he submits the question to the house for
14 advice or decision
15 (14) all incidental motions, such as motions relating
16 to voting or other questions of a general procedural nature.
17 5-9. A member may move to divide a question if it
18 includes two or more propositions so distinct in substance

1 that if one thing is taken away a substantive question will
2 remain.

3 5-10. No more than one amendment and no more than one
4 substitute motion may be made to a motion. This rule permits
5 the main motion and two modifying motions.

6 CHAPTER 6

7 Bills and Resolutions

8 A. Form of Bills -- Definition of Resolutions -- General 9 Provisions

10 6-1. The only types of instruments other than bills
11 which may be introduced in either house of the legislature
12 are as follows:

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

1 or secretary of the house of origin.

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

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

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

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

11 (c) adopt or amend the joint rules;

12 (d) set salaries and other terms of employment for
13 Legislative employees;

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

16 (f) deal with disasters and emergencies under Title
17 10, specifically as provided in sections 10-3-302(3),
18 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

19 (g) submit a negotiated settlement under section
20 39-31-305(3), MCA;

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

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

5 (j) direct changes to, repeal, or direct adoption of a
6 rule in the Montana Administrative Code.

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

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

13 6-2. All bill drafting requests shall require a
14 legislative sponsor. Bills shall be typewritten on paper
15 with numbered lines and shall be introduced in
16 quadruplicate. Bills shall be numbered at the foot of each
17 page (except page 1) and shall have white covers of a
18 substantial material. In sections amending existing
19 statutes, matter to be stricken out shall be indicated with
20 a line through the words or part to be deleted, and new
21 matter shall be underlined. Sections of the Montana Code
22 Annotated repealed or amended in a bill shall be stated in
23 the title, except for general appropriation bills and bills

1 for the codification and general revision of the laws.
2 Introduced bills will be reproduced on white paper and
3 distributed to legislators.

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

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

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

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

1 committee on appropriations.

2 6-5. Every statute, unless a different time is
3 prescribed therein, takes effect on October 1 following its
4 passage and approval, except one that provides for
5 appropriation by the legislature of public funds for a
6 public purpose, which takes effect on July 1 following its
7 passage and approval unless a different time is prescribed
8 therein. Every joint resolution, unless a different time is
9 prescribed therein, takes effect on its passage (Sections
10 1-2-201 and 1-2-202, MCA).

11 B. Introduction -- Bill Limit

12 6-6. (1) A legislator may not request more than five
13 bills from the Legislative Council nor may a legislator
14 introduce more than five bills. This limit does not apply
15 to:

16 (a) bills requested prior to the convening date of
17 each session;

18 (b) interim committee bills;

19 (c) state agency bills;

20 (d) code commissioner bills;

21 (e) resolutions;

1 (f) standing committee bills;

2 (g) appropriation bills; or

3 (h) revenue bills.

4 (2) Bills and joint resolutions will be checked by the
5 staff of the Legislative Council prior to introduction for
6 proper format, style, and legal form. Bills will be entered
7 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 signed
10 to indicate Council review. If such stamp is not affixed,
11 the bill may not be introduced.

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

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

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

16 All prefiled bills will be made available to the
17 public.

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

1 House or secretary of the Senate.

2 6-7. The following schedule must be followed for
3 submission of drafting requests and introduction of bills
4 and resolutions.

| | | |
|---|------------------------|--------------|
| 5 | Request | Introduction |
| 6 | Deadline | Deadline |
| 7 | 5:00 P.M. | 5:00 P.M. |
| 8 | <u>Legislative Day</u> | |

9 General Bills and Resolutions

| | | |
|----|---------------------|----|
| 10 | 10 | 14 |
| 11 | (or 2 legislative | |
| 12 | days after delivery | |
| 13 | if delivery is | |
| 14 | after 14th day) | |

| | | | |
|----|---------------|----|----|
| 15 | Revenue Bills | 17 | 21 |
|----|---------------|----|----|

16 Committee Bills and Resolutions

| | | |
|----|----|----|
| 17 | 36 | 40 |
|----|----|----|

18 Committee Revenue Bills

| | | |
|----|----|----|
| 19 | 62 | 66 |
|----|----|----|

20 Appropriation Bills

| | | |
|----|-------------|-------------|
| 21 | No deadline | No deadline |
|----|-------------|-------------|

1 Interim Study Resolutions
 2 No deadline No deadline

3 Joint Resolutions Concerning
 4 Administrative Rules
 5 No deadline No deadline

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

11 Failure to override a veto does not constitute final
 12 rejection.

13 6-9. At least three-fourths of a standing committee
 14 must consent to the introduction of a committee bill.

15 C. First Reading and Referral

16 6-10. No motion affecting a bill is in order on its
 17 first reading except as provided in Joint Rule 6-6(5).

18 Upon introduction or reception of a bill, the chief
 19 clerk of the House or the secretary of the Senate shall
 20 publicly post upon a listing that bill by a summary of its
 21 title in the house of origin and by a summary of its title
 22 and by its history in the second house, together with a

1 notation of the committee to which it has been assigned, and
 2 such posting shall constitute the first reading of the bill.

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

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

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

9 D. Amendments and Substitute Bills

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

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

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

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

6-18. Amendments to a bill by the second house shall not be further amended by the house in which the bill originated, but must either be accepted or rejected. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated. If the amendments are accepted and the bill is of a type requiring more than a majority vote for passage, the bill shall again be placed on third reading in the house of origin. The vote on third reading after concurrence in amendments is the vote of the house of origin that must be used to determine if the required number of votes has been cast.

6-19. If a majority of a house adopts a recommendation for the passage of a bill originating in that house after it has been returned from a committee with amendments, the bill shall be printed on yellow paper with all amendments incorporated into the printed copies. If the bill has been returned from a committee without amendments, only the first

sheet shall be printed on yellow paper, and the remainder of the text incorporated by reference to the preceding printed version of the entire bill. Bills referred to the bills committee of the house of origin for printing must be reported within three days unless further time is granted by that house.

E. Engrossing and Enrolling

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

If a bill is amended by the standing committee or Committee of the Whole in the second house, the amendments

1 will be included in a reference bill and distributed in the
 2 second house for third reading consideration. The amendments
 3 will also be reproduced and attached to the reference bill.
 4 If the bill passes on third reading, copies of the reference
 5 bill and second house amendments will be distributed in the
 6 original house.

7 6-21. When a bill has passed both houses it shall be
 8 enrolled under the direction of the bills committee of the
 9 house of origin. An original and two duplicate typewritten
 10 copies of the bill shall be enrolled, free from all
 11 corrections and errors, with a margin of two inches at the
 12 top and one inch on each side. In sections amending existing
 13 statutes, new matter shall be underlined and matter stricken
 14 with a line through it shall be omitted. The original and
 15 two copies of the bill shall be red lined. The history of
 16 the bill shall also be enrolled and placed with the bill in
 17 a white manuscript cover, upon which is written the number
 18 of the bill and the title. The Legislative Council staff
 19 shall file a copy of the history with the law library.

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

23 The correctly enrolled bill shall be delivered to the
 24 presiding officer of the house in which the bill originated.

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

13 A bill that has passed both houses of the legislature
 14 by the 90th day may be enrolled; clerically corrected by the
 15 presiding officers, if necessary; signed by the presiding
 16 officers; and delivered to the governor not later than 5
 17 days after the 90th legislative day. All journal entries
 18 authorized under this rule will be entered on the journal
 19 for the 90th day.

20 The original and two copies signed by the presiding
 21 officer of each house shall be presented by the bills
 22 committee to the governor. The bills committee shall take a
 23 receipt from the governor and shall report to the house the
 24 day and hour of such presentation, which shall be entered in

the journal. The original shall be filed with the secretary of state. Signed copies with chapter numbers assigned pursuant to Section 5-11-204, MCA, shall be filed with the clerk of the supreme court and the Legislative Council.

F. Second Reading -- Committee of the Whole

6-22. All bills, except consent calendar bills, which have been reported by a committee, accepted by the house concerned, and printed shall be posted on the calendar for consideration by Committee of the Whole. The secretary of the Senate or chief clerk of the House shall record the time each bill is received and the time the bill is placed on members' desks. Until the 50th legislative day, one day must elapse between the time a committee approved bill is placed on the members' desks and consideration by Committee of the Whole. Bills shall be arranged on the calendar in numerical order unless they are companion bills or are otherwise ordered by the house or Committee of the Whole of the house concerned.

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

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

is voted on. The amendment form will include the date and time of the amendment. Each rejected proposed amendment shall be identified and kept in the office of the chief clerk of the House or secretary of the Senate. Upon adjournment, the text of such amendments shall be delivered to the state archives.

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

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

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

(1) The only motions in order are to:

(a) amend;

(b) recommend passage or nonpassage;

(c) recommend concurrence or nonconcurrence;

(d) indefinitely postpone;

(e) pass consideration;

(f) rise;

(g) rise and report; or

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

(2) The committee may not appoint subcommittees.

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

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

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

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

6-28. No bill shall become a law except by vote of a majority of all the members present and voting in each

house. On final passage the vote shall be taken by ayes and noes, and the names of those voting entered on the journal (Montana Constitution, Art. V, Sec. 11(1) and (2)).

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

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

6-30. (1) Each bill passed by the legislature, except bills proposing amendments to the Montana Constitution, bills ratifying proposed amendments to the United States Constitution, resolutions, and referendum measures of the legislature, shall be submitted to the governor for his signature. If he does not sign or veto the bill within 5 days after its delivery to him if the legislature is in

1 session or within 25 days if the legislature is adjourned,
2 it shall become law. The governor shall return a vetoed bill
3 to the legislature with a statement of his reasons therefor.

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

10 (3) If after receipt of a veto message, two-thirds of
11 the members of each house present approve the bill, it shall
12 become law.

13 (4) If the legislature is not in session when the
14 governor vetoes a bill, he shall return the bill with his
15 reasons therefor to the legislature as provided by law. The
16 legislature may be polled on a bill approved by two-thirds
17 of the members present or reconvened to reconsider any bill
18 so vetoed. [Montana Constitution, Art. VI, Sec. 10.]

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

23 6-31. Upon receipt of a veto message the presiding

1 officer shall read the message. After the reading a member
2 may move that the governor's veto shall be overridden. A
3 vote on the motion shall be determined by roll call. If
4 two-thirds of the members present vote "aye", the veto is
5 overridden. If two-thirds of the members present do not vote
6 "aye", the veto is sustained.

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

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

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

20 (c) If both houses disapprove the governor's
21 recommendations, the bill shall be returned to the governor
22 for his reconsideration.

23 (d) If one house disapproves the governor's

1 recommendations and the other house approves, then either
2 house may request a conference committee which may be a free
3 conference committee.

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

7 (ii) If a conference committee fails to reach agreement
8 or if its report is not adopted by both houses, the
9 governor's recommendations shall be considered not approved
10 and the bill shall be returned to the governor for further
11 consideration.

12 H. Transmittal of Bills -- Revenue and Appropriation Bills

13 6-33. Each house shall transmit to the other with any
14 bill all relevant papers. When a house bill is transmitted
15 from the House of Representatives to the Senate, the
16 secretary of the Senate shall give a dated receipt for the
17 bill to the chief clerk of the House. When a Senate bill is
18 transmitted to the House of Representatives, the chief clerk
19 of the House shall give a dated receipt to the secretary of
20 the Senate.

21 6-34. No bill, except for appropriation bills, revenue
22 bills, and amendments considered by joint committee, need be
23 acted upon (save for reference to a committee by the

1 presiding officer) if transmitted from one house to the
2 other after the 45th legislative day, but shall be held
3 pending in the house to which it is transmitted unless
4 two-thirds of the members present and voting determine that
5 the bill shall be acted upon. Amendments, except to
6 appropriation bills and revenue bills, shall likewise be
7 deferred for consideration if transmitted after the 70th
8 legislative day.

9 A revenue bill is one which would either increase or
10 decrease tax collections.

11 Appropriation and revenue bills shall be transmitted
12 from the original house on or before the 70th day unless
13 two-thirds of the members present and voting in the
14 receiving house determine that the bill may be transmitted
15 after the 70th day.

16 Interim study resolutions and joint resolutions
17 concerning administrative rules may be transmitted at any
18 time during a session.

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

23 I. Fiscal Notes

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

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

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

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

7 A fiscal note also may be requested on a bill and on an
8 amendment by:

9 (1) a committee considering the bill, or

10 (2) a majority of the members of the house in which
11 the bill is to be considered, at the time of second reading,
12 or

13 (3) the chief sponsor through the presiding officer.

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

CHAPTER 7

Committees

20 7-1. The committee on legislative administration of
21 each house shall consider all matters concerned with
22 seating, mileage and expenses, legislative employees, the

1 control of the legislative property, and the budgeting for
2 and expenditure of appropriations for the operation of the
3 legislature, in cooperation with the Legislative Council
4 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 an original and two complete copies and shall
19 turn the original of the minutes over to the chief clerk of
20 the House or secretary of the Senate for delivery to the
21 historical society. The Legislative Council and the law
22 library shall each be given one copy of the minutes.

23 7-5. The committee on bills and journal, the rules

1 committee, and conference committees may report at any time,
2 except during a call of the house or when a vote is being
3 taken. Reports from the bills and journal committee shall
4 stand approved without formal action.

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

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

19 7-8. If either house requests a conference and appoints
20 a committee for the purpose of discussing an amendment on
21 which the Senate and the House of Representatives cannot
22 agree, the other house shall appoint a committee consisting
23 of the same number of members. The time and place of all
24 conference committee meetings shall be agreed upon by their

1 chairman and be announced from the rostrum. This
2 announcement is in order at any time. Failure to make this
3 announcement shall not affect the validity of the
4 legislation. The conference committees, having conferred,
5 shall report to their respective houses the result of their
6 conference. A conference committee shall confine itself to
7 the disputed amendment.

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

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

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

22 When a conference committee report is filed with the
23 secretary of the Senate or chief clerk of the House of

1 Representatives, the same shall be read under Order of
2 Business No. 3, select committees, and placed on the
3 calendar for consideration on second reading. If recommended
4 favorably by the Committee of the Whole, it may be
5 considered on third reading the same legislative day. On
6 the final legislative day a conference committee report
7 shall be placed on the calendar for immediate consideration
8 on second reading and shall be further considered on third
9 reading the same legislative day. If a conference committee
10 report is adopted on third reading and the bill is of a type
11 requiring more than a majority vote for passage, the bill
12 shall again be placed on third reading in each house. This
13 third reading vote must be used to determine if the required
14 number of votes has been cast.

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

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

CHAPTER 8

Rules and Journal

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

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

(1) the number of each bill when it is introduced and subsequently considered;

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

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

(4) committee reports;

(5) roll call votes;

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

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

The title of each bill shall be printed in the index of

the permanent journals.

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

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

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

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

(3) Any rules committee report recommending a change in joint rules shall be referred to the other house for concurrent action. Any new rule or any change in the rules

1 of either house shall be transmitted to the other house for
2 informational purposes.

3 8-6. Mason's Manual of Legislative Procedure governs
4 the proceedings of the Senate and House of Representatives
5 in all cases not covered by these rules.

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

18 8-8. Pursuant to the authority established in Sections
19 5-11-211 through 5-11-214, MCA, the following fee schedule
20 is established for the legislative proceedings:

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

23 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 CHAPTER 9

14 Voting Procedure

15 9-1. Except as provided in Joint Rule 9-2, every member
16 present when a question is put shall vote unless the house
17 of which he is a member excuses him.

18 9-2. A member who has a personal or private interest in
19 any measure or bill proposed or pending before the
20 legislature shall disclose the fact to the house of which he

1 is a member.

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

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

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

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

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

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

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

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

23 9-10. Every vote of each member of the legislature on
24 each substantive question in the legislature, in any

committee, or in Committee of the Whole shall be recorded and made public. On final passage of any bill or joint resolution the vote shall be taken by ayes and noes and the names entered on the journal. Roll call votes shall be taken by ayes and noes and the names entered on the journal on adopting an adverse committee report and on those motions made in Committee of the Whole referred to in Joint Rule 6-26(1)(a) through (d). A roll call vote shall be taken on nonsubstantive questions on the request of two members, who may likewise on any vote, request that the ayes and noes be spread upon the journal. Roll call votes and other votes which are to be made public but are not specifically required to be spread upon the journal shall be entered in the minutes of the appropriate committee or of the appropriate house and a copy of such minutes shall be filed with the Montana state historical society (Montana Constitution, Art. V, Sec. 11(2)).

CHAPTER 10

Consent Calendar

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

(1) To be eligible for the consent calendar, the

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

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

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

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

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

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

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

CHAPTER 11

Statement of Legislative Intent

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

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

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

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

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

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

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

1 A new statement of intent written by the second house
2 will be processed in the same manner as a second house
3 amendment.

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

-End-

Approved by Comm.
on Rules

SENATE JOINT RESOLUTION NO. 1

INTRODUCED BY HAZELBAKER

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:

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

-2- SECOND READING
SJR-1

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

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

10 1-8. The presiding officer of each house shall sign all
11 subpoenas approved or issued by the house over which he
12 presides.

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

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

1 distribute it in the house concerned.

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

4 CHAPTER 2

5 Meetings, Quorums, and Attendance

6 2-1. The hour of meeting of the Senate and House of
7 Representatives may be as ordered by the Senate or House.

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

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

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

20 2-5. A majority of each house shall constitute a quorum
21 to do business, but a smaller number may adjourn from day to
22 day and compel the attendance of absent members, in such

1 manner and under such penalties as each house may prescribe
2 (Montana Constitution, Art. V, Sec. 10(2)).

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

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

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

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

21 2-10. During a call of either house, all business of
22 that house shall be suspended. After a call has been
23 ordered, no motion is in order except a motion to adjourn or

1 remove the call. The call may be removed by a two-thirds
2 vote.

3 2-11. If either house is in session upon a given day,
4 whether or not the other house is in session, that day shall
5 constitute a legislative day.

6 CHAPTER 3 7 Legislative Employees

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

15 3-2. The Legislative Council shall be responsible for
16 maintaining personnel files.

17 3-3. The committee on legislative administration of
18 each house shall appoint a secretary for a standing or
19 special committee on recommendation of the committee
20 chairman, subject to the approval of the respective house. A
21 secretary for a standing or special committee is immediately
22 responsible to the committee chairman, but when not occupied
23 with the duties of a committee, shall work under the

1 direction of the chief stenographer of each house. The
2 Legislative Council shall hire all engrossing and enrolling
3 typists and proofreaders, who are under the direction of the
4 bills committee.

5 3-4. The presiding officer and the majority and
6 minority floor leader of each house may each appoint a
7 private secretary.

8 3-5. The secretary of the Senate and chief clerk of the
9 House of Representatives are responsible to the presiding
10 officers of their respective houses. Their duties are to:

11 (a) have custody of all records, bills, documents, and
12 other papers;

13 (b) supervise the making and examination of the
14 journal and the handling of bills and resolutions;

15 (c) deliver to the secretary of state at the close of
16 each session the journal, bill books, and resolution books,
17 and all copies of introduced bills and joint resolutions;

18 (d) collect from the chairmen or secretaries of all
19 standing committees, special committees, and conference
20 committees the minutes of such committees and deliver them
21 to the state historical society. (See Rule 7-4)

22 3-6. Journal clerks, bill clerks, typists, and other

1 employees responsible for legislative functions, except
2 secretaries for standing or special committees, secretaries
3 to presiding officers, and secretaries to majority and
4 minority floor leaders, are immediately responsible to the
5 secretary of the Senate or the chief clerk of the House,
6 subject to the general supervision of the presiding officer.

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

9 (a) to engross or enroll all bills delivered to them
10 within 48 hours after they have been received, unless
11 further time is granted, in writing, by the presiding
12 officer of the house in which the bill originated;

13 (b) to correct clerical errors, with the consent of
14 the secretary of the Senate or chief clerk of the House of
15 Representatives, in any bill originating in the house by
16 which they are employed. Clerical errors such as the
17 following may be corrected:

18 (i) errors in spelling

19 (ii) errors in numbering sections

20 (iii) adding or deleting underlining or lines through
21 matter to be stricken

22 (iv) material copied incorrectly from the Montana Code

1 Annotated.

2 The secretary of the Senate or chief clerk of the House
3 shall obtain written permission from the principal sponsor
4 before such corrections are made.

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

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

11 (a) maintain order under the direction of the
12 presiding officer;

13 (b) execute commands and serve all processes;

14 (c) receive, distribute, and have custody of supplies.

15 3-9. The assistant sergeants-at-arms, doorkeepers,
16 watchmen, janitors, pages, and other employees responsible
17 for general housekeeping functions are immediately
18 responsible to the sergeant-at-arms, subject to the general
19 supervision of the presiding officer.

20 3-10. The duty of the chaplain of each house is to open
21 each day's session with a prayer.

1 3-11. A legislative aide is a person who has registered
2 with the clerk of the House or secretary of the Senate and
3 has been issued a distinctive identification form such as a
4 name tag. Such identification may be issued only upon
5 receiving written verification from a member that the person
6 involved is serving him as an aide. A person may not
7 represent himself to be a legislative aide unless he carries
8 such identification. The sergeants-at-arms and doorkeepers
9 shall enforce this rule. Legislative aides must be of legal
10 age unless otherwise approved by the presiding officer.

11 No member may designate more than one aide without the
12 approval of the rules committee of the house involved.

13 Qualifications for legislative interns are specified in
14 Title 5, chapter 6, MCA.

15 3-12. An employee, legislative aide, or legislative
16 intern of either house is prohibited from lobbying as
17 defined in Section 5-7-102(1), MCA. However, such person may
18 testify before a committee of either house on the request of
19 the committee. Any person violating this rule shall be
20 discharged.

21 3-13. Disputes or complaints involving the competency
22 or decorum of a legislative employee shall be referred to
23 the committee on legislative administration of the house by

1 which the employee is employed. The committee, in its
 2 discretion, may dismiss, suspend, or retain the employee.
 3 The committee on legislative administration shall
 4 periodically review the roster of employees and shall
 5 dismiss surplus employees.

6 3-14. The offices of the Legislative Council shall
 7 serve both the Senate and House of Representatives as
 8 required.

9 The Council staff shall prepare payrolls for
 10 certification and signature by the presiding officer and
 11 prepare a monthly financial report and distribute the report
 12 to legislative leaders in each house and to members of the
 13 Senate committee on finance and claims and House committee
 14 on appropriations.

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

22 CHAPTER 4

23 Order of Business

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

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

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

CHAPTER 5

Motions

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

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

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

(10) to postpone indefinitely.

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

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

5-4. Any member may, on the day the vote was taken or on the next day the house in which the action was taken is in session, move to reconsider the question. A motion to reconsider may not be withdrawn after such next legislative day without the unanimous consent of the house concerned, and thereafter any member may call it up for consideration; however, a motion to reconsider made after the 54th day of the session shall be disposed of when made. A motion to recall a bill from the other house constitutes notice to reconsider and shall be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the other house may be made only under Order of Business No. 6 and under that order of business takes precedence over all motions except motions to recess or adjourn.

1 5-5. When a motion to reconsider is laid on the table,
2 a two-thirds majority is required to take it from the table.
3 When a motion to reconsider fails, the question is finally
4 and conclusively settled.

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

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

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

21 5-8. The following motions are not debatable:

22 (1) to adjourn

1 (2) for a call of the house

2 (3) to recess

3 (4) for parliamentary inquiry

4 (5) for suspension of the rules

5 (6) to lay on the table

6 (7) for the previous question

7 (8) to limit, extend the limits of, or to close debate

8 (9) to amend an undebatable motion

9 (10) to divide a question

10 (11) to pass business in Committee of the Whole

11 (12) to take from the table

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

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

17 5-9. A member may move to divide a question if it
18 includes two or more propositions so distinct in substance

1 that if one thing is taken away a substantive question will
2 remain.

3 5-10. No more than one amendment and no more than one
4 substitute motion may be made to a motion. This rule permits
5 the main motion and two modifying motions.

6 CHAPTER 6

7 Bills and Resolutions

8 A. Form of Bills -- Definition of Resolutions -- General 9 Provisions

10 6-1. The only types of instruments other than bills
11 which may be introduced in either house of the legislature
12 are as follows:

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

1 or secretary of the house of origin.

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

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

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

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

11 (c) adopt or amend the joint rules;

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

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

16 (f) deal with disasters and emergencies under Title
17 10, specifically as provided in sections 10-3-302(3),
18 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

19 (g) submit a negotiated settlement under section
20 39-31-305(3), MCA;

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

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

(j) direct changes to, repeal, or direct adoption of a rule in the Montana Administrative Code.

Except as otherwise provided in these rules or the Constitution of the State of Montana, a joint resolution is treated in all respects as a bill.

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

6-2. All bill drafting requests shall require a legislative sponsor. Bills shall be typewritten on paper with numbered lines and shall be introduced in quadruplicate. Bills shall be numbered at the foot of each page (except page 1) and shall have white covers of a substantial material. In sections amending existing statutes, matter to be stricken out shall be indicated with a line through the words or part to be deleted, and new matter shall be underlined. Sections of the Montana Code Annotated repealed or amended in a bill shall be stated in the title, except for general appropriation bills and bills

for the codification and general revision of the laws. Introduced bills will be reproduced on white paper and distributed to legislators.

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

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

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

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

1 committee on appropriations.

2 6-5. Every statute, unless a different time is
3 prescribed therein, takes effect on October 1 following its
4 passage and approval, except one that provides for
5 appropriation by the legislature of public funds for a
6 public purpose, which takes effect on July 1 following its
7 passage and approval unless a different time is prescribed
8 therein. Every joint resolution, unless a different time is
9 prescribed therein, takes effect on its passage (Sections
10 1-2-201 and 1-2-202, MCA).

11 B. Introduction -- Bill Limit

12 6-6. (1) A legislator may not request more than five
13 bills from the Legislative Council nor may a legislator
14 introduce more than five bills. This limit does not apply
15 to:

16 (a) bills requested prior to the convening date of
17 each session;

18 (b) interim committee bills;

19 (c) state agency bills;

20 (d) code commissioner bills;

21 (e) resolutions;

1 (f) standing committee bills;

2 (g) appropriation bills; or

3 (h) revenue bills.

4 (2) Bills and joint resolutions will be checked by the
5 staff of the Legislative Council prior to introduction for
6 proper format, style, and legal form. Bills will be entered
7 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 signed
10 to indicate Council review. If such stamp is not affixed,
11 the bill may not be introduced.

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

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

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

16 All prefiled bills will be made available to the
17 public.

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

1 House or secretary of the Senate.

2 6-7. The following schedule must be followed for
3 submission of drafting requests and introduction of bills
4 and resolutions.

| | | |
|----|---------------------------------|--------------|
| 5 | Request | Introduction |
| 6 | Deadline | Deadline |
| 7 | 5:00 P.M. | 5:00 P.M. |
| 8 | <u>Legislative Day</u> | |
| 9 | General Bills and Resolutions | |
| 10 | 10 | 14 |
| 11 | (or 2 legislative | |
| 12 | days after delivery | |
| 13 | if delivery is | |
| 14 | after 14th day) | |
| 15 | Revenue Bills | 17 21 |
| 16 | Committee Bills and Resolutions | |
| 17 | 36 | 40 |
| 18 | Committee Revenue Bills | |
| 19 | 62 | 66 |
| 20 | Appropriation Bills | |
| 21 | No deadline | No deadline |

1 Interim Study Resolutions

2 No deadline No deadline

3 Joint Resolutions Concerning

4 Administrative Rules

5 No deadline No deadline

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

11 Failure to override a veto does not constitute final
 12 rejection.

13 6-9. At least three-fourths of a standing committee
 14 must consent to the introduction of a committee bill.

15 C. First Reading and Referral

16 6-10. No motion affecting a bill is in order on its
 17 first reading except as provided in Joint Rule 6-6(5).

18 Upon introduction or reception of a bill, the chief
 19 clerk of the House or the secretary of the Senate shall
 20 publicly post upon a listing that bill by a summary of its
 21 title in the house of origin and by a summary of its title
 22 and by its history in the second house, together with a

1 notation of the committee to which it has been assigned, and
 2 such posting shall constitute the first reading of the bill.

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

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

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

9 D. Amendments and Substitute Bills

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

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

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

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

6-18. Amendments to a bill by the second house shall not be further amended by the house in which the bill originated, but must either be accepted or rejected. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated. If the amendments are accepted and the bill is of a type requiring more than a majority vote for passage, the bill shall again be placed on third reading in the house of origin. The vote on third reading after concurrence in amendments is the vote of the house of origin that must be used to determine if the required number of votes has been cast.

6-19. If a majority of a house adopts a recommendation for the passage of a bill originating in that house after it has been returned from a committee with amendments, the bill shall be printed on yellow paper with all amendments incorporated into the printed copies. If the bill has been returned from a committee without amendments, only the first

sheet shall be printed on yellow paper, and the remainder of the text incorporated by reference to the preceding printed version of the entire bill. Bills referred to the bills committee of the house of origin for printing must be reported within three days unless further time is granted by that house.

E. Engrossing and Enrolling

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

If a bill is amended by the standing committee or Committee of the Whole in the second house, the amendments

1 will be included in a reference bill and distributed in the
 2 second house for third reading consideration. The amendments
 3 will also be reproduced and attached to the reference bill.
 4 If the bill passes on third reading, copies of the reference
 5 bill and second house amendments will be distributed in the
 6 original house.

7 6-21. When a bill has passed both houses it shall be
 8 enrolled under the direction of the bills committee of the
 9 house of origin. An original and two duplicate typewritten
 10 copies of the bill shall be enrolled, free from all
 11 corrections and errors, with a margin of two inches at the
 12 top and one inch on each side. In sections amending existing
 13 statutes, new matter shall be underlined and matter stricken
 14 with a line through it shall be omitted. The original and
 15 two copies of the bill shall be red lined. The history of
 16 the bill shall also be enrolled and placed with the bill in
 17 a white manuscript cover, upon which is written the number
 18 of the bill and the title. The Legislative Council staff
 19 shall file a copy of the history with the law library.

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

23 The correctly enrolled bill shall be delivered to the
 24 presiding officer of the house in which the bill originated.

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

13 A bill that has passed both houses of the legislature
 14 by the 90th day may be enrolled; clerically corrected by the
 15 presiding officers, if necessary; signed by the presiding
 16 officers; and delivered to the governor not later than 5
 17 days after the 90th legislative day. All journal entries
 18 authorized under this rule will be entered on the journal
 19 for the 90th day.

20 The original and two copies signed by the presiding
 21 officer of each house shall be presented by the bills
 22 committee to the governor. The bills committee shall take a
 23 receipt from the governor and shall report to the house the
 24 day and hour of such presentation, which shall be entered in

the journal. The original shall be filed with the secretary of state. Signed copies with chapter numbers assigned pursuant to Section 5-11-204, MCA, shall be filed with the clerk of the supreme court and the Legislative Council.

F. Second Reading -- Committee of the Whole

6-22. All bills, except consent calendar bills, which have been reported by a committee, accepted by the house concerned, and printed shall be posted on the calendar for consideration by Committee of the Whole. The secretary of the Senate or chief clerk of the House shall record the time each bill is received and the time the bill is placed on members' desks. Until the 50th legislative day, one day must elapse between the time a committee approved bill is placed on the members' desks and consideration by Committee of the Whole. Bills shall be arranged on the calendar in numerical order unless they are companion bills or are otherwise ordered by the house or Committee of the Whole of the house concerned.

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

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

is voted on. The amendment form will include the date and time of the amendment. Each rejected proposed amendment shall be identified and kept in the office of the chief clerk of the House or secretary of the Senate. Upon adjournment, the text of such amendments shall be delivered to the state archives.

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

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

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

(1) The only motions in order are to:

(a) amend;

(b) recommend passage or nonpassage;

(c) recommend concurrence or nonconcurrence;

(d) indefinitely postpone;

(e) pass consideration;

(f) rise;

(g) rise and report; or

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

(2) The committee may not appoint subcommittees.

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

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

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

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

6-28. No bill shall become a law except by vote of a majority of all the members present and voting in each

house. On final passage the vote shall be taken by yeas and noes, and the names of those voting entered on the journal (Montana Constitution, Art. V, Sec. 11(1) and (2)).

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

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

6-30. (1) Each bill passed by the legislature, except bills proposing amendments to the Montana Constitution, bills ratifying proposed amendments to the United States Constitution, resolutions, and referendum measures of the legislature, shall be submitted to the governor for his signature. If he does not sign or veto the bill within 5 days after its delivery to him if the legislature is in

1 session or within 25 days if the legislature is adjourned,
2 it shall become law. The governor shall return a vetoed bill
3 to the legislature with a statement of his reasons therefor.

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

10 (3) If after receipt of a veto message, two-thirds of
11 the members of each house present approve the bill, it shall
12 become law.

13 (4) If the legislature is not in session when the
14 governor vetoes a bill, he shall return the bill with his
15 reasons therefor to the legislature as provided by law. The
16 legislature may be polled on a bill approved by two-thirds
17 of the members present or reconvened to reconsider any bill
18 so vetoed. (Montana Constitution, Art. VI, Sec. 10.)

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

23 6-31. Upon receipt of a veto message the presiding

1 officer shall read the message. After the reading a member
2 may move that the governor's veto shall be overridden. A
3 vote on the motion shall be determined by roll call. If
4 two-thirds of the members present vote "aye", the veto is
5 overridden. If two-thirds of the members present do not vote
6 "aye", the veto is sustained.

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

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

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

20 (c) If both houses disapprove the governor's
21 recommendations, the bill shall be returned to the governor
22 for his reconsideration.

23 (d) If one house disapproves the governor's

1 recommendations and the other house approves, then either
2 house may request a conference committee which may be a free
3 conference committee.

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

7 (ii) If a conference committee fails to reach agreement
8 or if its report is not adopted by both houses, the
9 governor's recommendations shall be considered not approved
10 and the bill shall be returned to the governor for further
11 consideration.

12 He Transmittal of Bills -- Revenue and Appropriation Bills

13 6-33. Each house shall transmit to the other with any
14 bill all relevant papers. When a house bill is transmitted
15 from the House of Representatives to the Senate, the
16 secretary of the Senate shall give a dated receipt for the
17 bill to the chief clerk of the House. When a Senate bill is
18 transmitted to the House of Representatives, the chief clerk
19 of the House shall give a dated receipt to the secretary of
20 the Senate.

21 6-34. No bill, except for appropriation bills, revenue
22 bills, and amendments considered by joint committee, need be
23 acted upon (save for reference to a committee by the

1 presiding officer) if transmitted from one house to the
2 other after the 45th legislative day, but shall be held
3 pending in the house to which it is transmitted unless
4 two-thirds of the members present and voting determine that
5 the bill shall be acted upon. Amendments, except to
6 appropriation bills and revenue bills, shall likewise be
7 deferred for consideration if transmitted after the 70th
8 legislative day.

9 A revenue bill is one which would either increase or
10 decrease tax collections.

11 Appropriation and revenue bills shall be transmitted
12 from the original house on or before the 70th day unless
13 two-thirds of the members present and voting in the
14 receiving house determine that the bill may be transmitted
15 after the 70th day.

16 Interim study resolutions and joint resolutions
17 concerning administrative rules may be transmitted at any
18 time during a session.

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

23 Ia Fiscal Notes

1 6-36. All bills reported out of a committee of the
2 legislature having an effect on the revenues, expenditures,
3 or fiscal liability of the state, except appropriation
4 measures carrying specific dollar amounts, shall include a
5 fiscal note incorporating an estimate of such effect. The
6 Legislative Council staff shall indicate at the top of each
7 bill prepared for introduction that a fiscal note may be
8 necessary under this rule. Fiscal notes shall be requested
9 by the presiding officer of either house, who shall
10 determine the need for the note at the time of introduction,
11 based on the Legislative Council staff recommendation.

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

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

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

7 A fiscal note also may be requested on a bill and on an
8 amendment by:

9 (1) a committee considering the bill, or

10 (2) a majority of the members of the house in which
11 the bill is to be considered, at the time of second reading,
12 or

13 (3) the chief sponsor through the presiding officer.

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

CHAPTER 7

Committees

20 7-1. The committee on legislative administration of
21 each house shall consider all matters concerned with
22 seating, mileage and expenses, legislative employees, the

1 control of the legislative property, and the budgeting for
2 and expenditure of appropriations for the operation of the
3 legislature, in cooperation with the Legislative Council
4 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 an original and two complete copies and shall
19 turn the original of the minutes over to the chief clerk of
20 the House or secretary of the Senate for delivery to the
21 historical society. The Legislative Council and the law
22 library shall each be given one copy of the minutes.

23 7-5. The committee on bills and journals, the rules

1 committee, and conference committees may report at any time,
2 except during a call of the house or when a vote is being
3 taken. Reports from the bills and journal committee shall
4 stand approved without formal action.

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

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

19 7-8. If either house requests a conference and appoints
20 a committee for the purpose of discussing an amendment on
21 which the Senate and the House of Representatives cannot
22 agree, the other house shall appoint a committee consisting
23 of the same number of members. The time and place of all
24 conference committee meetings shall be agreed upon by their

1 chairman and be announced from the rostrum. This
 2 announcement is in order at any time. Failure to make this
 3 announcement shall not affect the validity of the
 4 legislation. The conference committees, having conferred,
 5 shall report to their respective houses the result of their
 6 conference. A conference committee shall confine itself to
 7 the disputed amendment.

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

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

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

22 When a conference committee report is filed with the
 23 secretary of the Senate or chief clerk of the House of

1 Representatives, the same shall be read under Order of
 2 Business No. 3, select committees, and placed on the
 3 calendar for consideration on second reading. If recommended
 4 favorably by the Committee of the Whole, it may be
 5 considered on third reading the same legislative day. On
 6 the final legislative day a conference committee report
 7 shall be placed on the calendar for immediate consideration
 8 on second reading and shall be further considered on third
 9 reading the same legislative day. If a conference committee
 10 report is adopted on third reading and the bill is of a type
 11 requiring more than a majority vote for passage, the bill
 12 shall again be placed on third reading in each house. This
 13 third reading vote must be used to determine if the required
 14 number of votes has been cast.

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

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

CHAPTER 8

Rules and Journal

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

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

(1) the number of each bill when it is introduced and subsequently considered;

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

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

(4) committee reports;

(5) roll call votes;

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

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

The title of each bill shall be printed in the index of

the permanent journals.

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

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

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

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

(3) Any rules committee report recommending a change in joint rules shall be referred to the other house for concurrent action. Any new rule or any change in the rules

1 of either house shall be transmitted to the other house for
2 informational purposes.

3 8-6. Mason's Manual of Legislative Procedure governs
4 the proceedings of the Senate and House of Representatives
5 in all cases not covered by these rules.

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

18 8-8. Pursuant to the authority established in Sections
19 5-11-211 through 5-11-214, MCA, the following fee schedule
20 is established for the legislative proceedings:

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

23 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 CHAPTER 9

14 Voting Procedure

15 9-1. Except as provided in Joint Rule 9-2, every member
16 present when a question is put shall vote unless the house
17 of which he is a member excuses him.

18 9-2. A member who has a personal or private interest in
19 any measure or bill proposed or pending before the
20 legislature shall disclose the fact to the house of which he

1 is a member.

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

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

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

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

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

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

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

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

23 9-10. Every vote of each member of the legislature on
24 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 shall be
 5 taken by ayes and noes and the names entered on the journal
 6 on adopting an adverse committee report and on those motions
 7 made in Committee of the Whole referred to in Joint Rule
 8 6-26(1)(a) through (d). A roll call vote shall be taken on
 9 nonsubstantive questions on the request of two members, who
 10 may likewise on any vote, request that the ayes and noes be
 11 spread upon the journal. Roll call votes and other votes
 12 which are to be made public but are not specifically
 13 required to be spread upon the journal shall be entered in
 14 the minutes of the appropriate committee or of the
 15 appropriate house and a copy of such minutes shall be filed
 16 with the Montana state historical society (Montana
 17 Constitution, Art. V, Sec. 11(2)).

18 CHAPTER 10

19 Consent Calendar

20 10-1. Noncontroversial bills and simple and joint
 21 resolutions qualifying for the consent calendar may be
 22 processed by a standing committee according to the following
 23 provisions:

24 (1) To be eligible for the consent calendar, the

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

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

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

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

22 (5) Consent calendar legislation will be voted on
 23 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.

1 11-3. Statement of intent to accompany bill -- when --
2 how. A statement shall accompany a bill as follows:

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

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

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

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

1 A new statement of intent written by the second house
2 will be processed in the same manner as a second house
3 amendment.

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

-End-

1 SENATE JOINT RESOLUTION NO. 1
2 INTRODUCED BY HAZELBAKER
3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT JOINT RULES
6 TO GOVERN 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 CHAPTER 1
12 Presiding Officer - Decorum,
13 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.

23 1-2. The presiding officer, or any member acting as
24 presiding officer, of each house shall preserve order and

There are no changes in SJR. 1, and due to length will not be rerun. Please refer to yellow copy for complete text.

HOUSE OF REPRESENTATIVES
January 20, 1983

Rules Committee amendments to Senate Joint Resolution 1, 3rd Reading
Copy, as follows:

- (1) Page 17, line 16
Following: "house"
Insert: ", to make recommendations concerning the districting
and apportionment plan as provided by Article V, Section
14, subsection (3), of the Montana Constitution,"
- (2) Page 21, following line 1
Insert: "The House shall transmit a balanced budget to the
Senate, taking into account all appropriation measures
transmitted by the House and all anticipated revenue
from existing laws and from any House or Senate revenue
measures transmitted or passed by the House as of the
70th day."
- (3) Page 23, lines 18 through 23; and page 24, line 1
Strike: subsection (6) in its entirety
- (4) Page 34, line 14
Following: "third"
Strike: ", which shall be by complete title,"
- (5) Page 38, following line 10
Insert: "Revenue bills originating in the Senate shall be
transmitted to the House on or before the 35th day,
unless two-thirds of the members present and voting
in the House determine that the bill may be transmitted
after the 35th day."
- (6) Page 38, line 11
Following: "bills"
Insert: "originating in the House"
- (7) Page 38, line 12
Strike: "from the original house"
Insert: "to the Senate"
- (8) Page 38, line 14
Strike: "receiving house"
Insert: "Senate"
- (9) Page 38, following line 15
Insert: "A joint resolution shall be introduced in the House
and transmitted to the Senate on or before the 65th
legislative day to establish, for each year of the
succeeding biennium, the amount of the state's anticipated
revenue for the purpose of meeting the balanced budget
requirement of Article VIII, Section 9, of the Montana
Constitution."

Continued next page

AMENDMENT NUMBER (9) CONTINUED:

Neither house may increase the total appropriation transmitted beyond the amount contained in the joint resolution unless it first amends the joint resolution and, in accordance with the rules governing transmittal of revenue bills, transmits to the other house a measure to increase revenues sufficient to meet the increased appropriation."

- (10) Page 41, line 5
Following: "7-2."
Insert: "Upon request of any member of the house in which a bill is pending,"

Strike: "A"
Insert: "a"
- (11) Page 41, line 6
Following: "on"
Strike: "all bills"
Insert: "any bill"

Following: "or"
Strike: "matters"
Insert: "matter"
- (12) Page 41, line 7
Following: "after"
Strike: "reference"
Insert: "the request,"

AND AS AMENDED
BE CONCURRED IN

1 SENATE JOINT RESOLUTION NO. 1

2 INTRODUCED BY HAZELBAKER

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
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7

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13 Order and Debate

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

23 1-2. The presiding officer, or any member acting as
24 presiding officer, of each house shall preserve order and

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

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

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

10 1-8. The presiding officer of each house shall sign all
11 subpoenas approved or issued by the house over which he
12 presides.

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

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

1 distribute it in the house concerned.

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

4 CHAPTER 2

5 Meetings, Quorums, and Attendance

6 2-1. The hour of meeting of the Senate and House of
7 Representatives may be as ordered by the Senate or House.

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

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

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

20 2-5. A majority of each house shall constitute a quorum
21 to do business, but a smaller number may adjourn from day to
22 day and compel the attendance of absent members, in such

1 manner and under such penalties as each house may prescribe
2 (Montana Constitution, Art. V, Sec. 10(2)).

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

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

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

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

21 2-10. During a call of either house, all business of
22 that house shall be suspended. After a call has been
23 ordered, no motion is in order except a motion to adjourn or

1 remove the call. The call may be removed by a two-thirds
2 vote.

3 2-11. If either house is in session upon a given day,
4 whether or not the other house is in session, that day shall
5 constitute a legislative day.

6 CHAPTER 3

7 Legislative Employees

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

15 3-2. The Legislative Council shall be responsible for
16 maintaining personnel files.

17 3-3. The committee on legislative administration of
18 each house shall appoint a secretary for a standing or
19 special committee on recommendation of the committee
20 chairman, subject to the approval of the respective house. A
21 secretary for a standing or special committee is immediately
22 responsible to the committee chairman, but when not occupied
23 with the duties of a committee, shall work under the

1 direction of the chief stenographer of each house. The
2 Legislative Council shall hire all engrossing and enrolling
3 typists and proofreaders, who are under the direction of the
4 bills committee.

5 3-4. The presiding officer and the majority and
6 minority floor leader of each house may each appoint a
7 private secretary.

8 3-5. The secretary of the Senate and chief clerk of the
9 House of Representatives are responsible to the presiding
10 officers of their respective houses. Their duties are to:

11 (a) have custody of all records, bills, documents, and
12 other papers;

13 (b) supervise the making and examination of the
14 journal and the handling of bills and resolutions;

15 (c) deliver to the secretary of state at the close of
16 each session the journal, bill books, and resolution books,
17 and all copies of introduced bills and joint resolutions;

18 (d) collect from the chairmen or secretaries of all
19 standing committees, special committees, and conference
20 committees the minutes of such committees and deliver them
21 to the state historical society. (See Rule 7-4)

22 3-6. Journal clerks, bill clerks, typists, and other

1 employees responsible for legislative functions, except
2 secretaries for standing or special committees, secretaries
3 to presiding officers, and secretaries to majority and
4 minority floor leaders, are immediately responsible to the
5 secretary of the Senate or the chief clerk of the House,
6 subject to the general supervision of the presiding officer.

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

9 (a) to engross or enroll all bills delivered to them
10 within 48 hours after they have been received, unless
11 further time is granted, in writing, by the presiding
12 officer of the house in which the bill originated;

13 (b) to correct clerical errors, with the consent of
14 the secretary of the Senate or chief clerk of the House of
15 Representatives, in any bill originating in the house by
16 which they are employed. Clerical errors such as the
17 following may be corrected:

18 (i) errors in spelling

19 (ii) errors in numbering sections

20 (iii) adding or deleting underlining or lines through
21 matter to be stricken

22 (iv) material copied incorrectly from the Montana Code

1 Annotated.

2 The secretary of the Senate or chief clerk of the House
3 shall obtain written permission from the principal sponsor
4 before such corrections are made.

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

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

11 (a) maintain order under the direction of the
12 presiding officer;

13 (b) execute commands and serve all processes;

14 (c) receive, distribute, and have custody of supplies.

15 3-9. The assistant sergeants-at-arms, doorkeepers,
16 watchmen, janitors, pages, and other employees responsible
17 for general housekeeping functions are immediately
18 responsible to the sergeant-at-arms, subject to the general
19 supervision of the presiding officer.

20 3-10. The duty of the chaplain of each house is to open
21 each day's session with a prayer.

1 3-11. A legislative aide is a person who has registered
2 with the clerk of the House or secretary of the Senate and
3 has been issued a distinctive identification form such as a
4 name tag. Such identification may be issued only upon
5 receiving written verification from a member that the person
6 involved is serving him as an aide. A person may not
7 represent himself to be a legislative aide unless he carries
8 such identification. The sergeants-at-arms and doorkeepers
9 shall enforce this rule. Legislative aides must be of legal
10 age unless otherwise approved by the presiding officer.

11 No member may designate more than one aide without the
12 approval of the rules committee of the house involved.

13 Qualifications for legislative interns are specified in
14 Title 5, chapter 6, MCA.

15 3-12. An employee, legislative aide, or legislative
16 intern of either house is prohibited from lobbying as
17 defined in Section 5-7-102(1), MCA. However, such person may
18 testify before a committee of either house on the request of
19 the committee. Any person violating this rule shall be
20 discharged.

21 3-13. Disputes or complaints involving the competency
22 or decorum of a legislative employee shall be referred to
23 the committee on legislative administration of the house by

1 which the employee is employed. The committee, in its
2 discretion, may dismiss, suspend, or retain the employee.
3 The committee on legislative administration shall
4 periodically review the roster of employees and shall
5 dismiss surplus employees.

6 3-14. The offices of the Legislative Council shall
7 serve both the Senate and House of Representatives as
8 required.

9 The Council staff shall prepare payrolls for
10 certification and signature by the presiding officer and
11 prepare a monthly financial report and distribute the report
12 to legislative leaders in each house and to members of the
13 Senate committee on finance and claims and House committee
14 on appropriations.

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

22 CHAPTER 4

23 Order of Business

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

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

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

CHAPTER 5

Motions

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

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

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

(10) to postpone indefinitely.

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

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

5-4. Any member may, on the day the vote was taken or on the next day the house in which the action was taken is in session, move to reconsider the question. A motion to reconsider may not be withdrawn after such next legislative day without the unanimous consent of the house concerned, and thereafter any member may call it up for consideration; however, a motion to reconsider made after the 54th day of the session shall be disposed of when made. A motion to recall a bill from the other house constitutes notice to reconsider and shall be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the other house may be made only under Order of Business No. 6 and under that order of business takes precedence over all motions except motions to recess or adjourn.

1 5-5. When a motion to reconsider is laid on the table,
 2 a two-thirds majority is required to take it from the table.
 3 When a motion to reconsider fails, the question is finally
 4 and conclusively settled.

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

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

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

21 5-8. The following motions are not debatable:

22 (1) to adjourn

1 (2) for a call of the house
 2 (3) to recess
 3 (4) for parliamentary inquiry
 4 (5) for suspension of the rules
 5 (6) to lay on the table
 6 (7) for the previous question
 7 (8) to limit, extend the limits of, or to close debate
 8 (9) to amend an undebatable motion
 9 (10) to divide a question
 10 (11) to pass business in Committee of the Whole
 11 (12) to take from the table
 12 (13) a decision of the presiding officer, unless
 13 appealed or unless he submits the question to the house for
 14 advice or decision
 15 (14) all incidental motions, such as motions relating
 16 to voting or other questions of a general procedural nature.
 17 5-9. A member may move to divide a question if it
 18 includes two or more propositions so distinct in substance

1 that if one thing is taken away a substantive question will
2 remain.

3 5-10. No more than one amendment and no more than one
4 substitute motion may be made to a motion. This rule permits
5 the main motion and two modifying motions.

6 CHAPTER 6

7 Bills and Resolutions

8 A. Form of Bills -- Definition of Resolutions -- General 9 Provisions

10 6-1. The only types of instruments other than bills
11 which may be introduced in either house of the legislature
12 are as follows:

13 (1) A simple resolution is a formalized motion passed
14 by one house only and bears the heading "House Resolution"
15 or "Senate Resolution". It may be used only to adopt or
16 amend the rules of one house, TO MAKE RECOMMENDATIONS
17 CONCERNING THE DISTRICTING AND APPORTIONMENT PLAN AS
18 PROVIDED BY ARTICLE V, SECTION 14, SUBSECTION (3), OF THE
19 MONTANA CONSTITUTION, or to provide for the internal affairs
20 of the house adopting it. It does not require three readings
21 or a roll call vote. A member offering a simple resolution
22 may read it in his place before introduction. When a simple
23 resolution has been introduced, it shall be referred to a

1 committee. Final action shall be taken on the Committee of
2 the Whole report. The transmittal of copies of simple
3 resolutions is the responsibility of the chief clerk or
4 secretary of the house of origin.

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

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

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

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

14 (c) adopt or amend the joint rules;

15 (d) set salaries and other terms of employment for
16 Legislative employees;

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

19 (f) deal with disasters and emergencies under Title
20 10, specifically as provided in sections 10-3-302(3),
21 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

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

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

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

(j) direct changes to, repeal, or direct adoption of a rule in the Montana Administrative Code.

Except as otherwise provided in these rules or the Constitution of the State of Montana, a joint resolution is treated in all respects as a bill.

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

6-2. All bill drafting requests shall require a legislative sponsor. Bills shall be typewritten on paper with numbered lines and shall be introduced in quadruplicate. Bills shall be numbered at the foot of each page (except page 1) and shall have white covers of a substantial material. In sections amending existing statutes, matter to be stricken out shall be indicated with a line through the words or part to be deleted, and new

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

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

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

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

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

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

THE HOUSE SHALL TRANSMIT A BALANCED BUDGET TO THE SENATE, TAKING INTO ACCOUNT ALL APPROPRIATION MEASURES TRANSMITTED BY THE HOUSE AND ALL ANTICIPATED REVENUE FROM EXISTING LAWS AND FROM ANY HOUSE OR SENATE REVENUE MEASURES TRANSMITTED OR PASSED BY THE HOUSE AS OF THE 70TH DAY.

6-5. Every statute, unless a different time is prescribed therein, takes effect on October 1 following its passage and approval, except one that provides for appropriation by the legislature of public funds for a public purpose, which takes effect on July 1 following its passage and approval unless a different time is prescribed therein. Every joint resolution, unless a different time is prescribed therein, takes effect on its passage (Sections 1-2-201 and 1-2-202, MCA).

8. Introduction -- Bill Limit

6-6. (1) A legislator may not request more than five bills from the Legislative Council nor may a legislator introduce more than five bills. This limit does not apply to:

- (a) bills requested prior to the convening date of each session;
- (b) interim committee bills;
- (c) state agency bills;
- (d) code commissioner bills;
- (e) resolutions;
- (f) standing committee bills;
- (g) appropriation bills; or
- (h) revenue bills.

(2) Bills and joint resolutions will be checked by the staff of the Legislative Council prior to introduction for proper format, style, and legal form. Bills will be entered on the automated bill drafting equipment, typed, and delivered in quadruplicate to the requesting legislator. A stamp shall be affixed to the original bill cover and signed to indicate Council review. If such stamp is not affixed, the bill may not be introduced.

(3) During a session a bill may be introduced by endorsing it with the name of a member and presenting it to the chief clerk of the House of Representatives or secretary

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

15 (5) Bills may be prefiled, numbered, and preprinted
16 prior to a legislative session by the staff of the
17 Legislative Council. Actual signatures may appear on the
18 face of the prefiled bill, or signatures may be obtained on
19 a consent form from the Legislative Council and the
20 sponsor's name typed on the bill. Additional sponsors may be
21 added on motion of the chief sponsor at any time prior to a
22 standing committee report on the bill. These names will be
23 forwarded to the Legislative Council to be included on the
24 face of the bill following standing committee approval.

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

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

10 6-7. The following schedule must be followed for
11 submission of drafting requests and introduction of bills
12 and resolutions.

| | | |
|----|------------------------|--------------|
| 13 | Request | Introduction |
| 14 | Deadline | Deadline |
| 15 | 5:00 P.M. | 5:00 P.M. |
| 16 | <u>Legislative Day</u> | |

17 General Bills and Resolutions

| | | |
|----|---------------------|----|
| 18 | 10 | 14 |
| 19 | (or 2 legislative | |
| 20 | days after delivery | |
| 21 | if delivery is | |
| 22 | after 14th day) | |

| | | | |
|----|---|-------------|-------------|
| 1 | Revenue Bills | 17 | 21 |
| 2 | Committee Bills and Resolutions | | |
| 3 | | 36 | 40 |
| 4 | Committee Revenue Bills | | |
| 5 | | 62 | 66 |
| 6 | Appropriation Bills | | |
| 7 | | No deadline | No deadline |
| 8 | Interim Study Resolutions | | |
| 9 | | No deadline | No deadline |
| 10 | Joint Resolutions Concerning | | |
| 11 | Administrative Rules | | |
| 12 | | No deadline | No deadline |
| 13 | 6-8. No bill may be introduced or received in a house | | |
| 14 | after that house has finally rejected a bill during that | | |
| 15 | session designed to accomplish the same purpose save upon | | |
| 16 | approval by the rules committee of the house in which the | | |
| 17 | bill is offered for introduction or reception. | | |
| 18 | Failure to override a veto does not constitute final | | |
| 19 | rejection. | | |
| 20 | 6-9. At least three-fourths of a standing committee | | |
| 21 | must consent to the introduction of a committee bill. | | |

1 6- First Reading and Referral

2 6-10. No motion affecting a bill is in order on its
3 first reading except as provided in Joint Rule 6-6(5).

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

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

13 6-12. Upon introduction or reception of a bill, it
14 shall be referred to a committee by the presiding officer.

15 6-13. A bill may be rereferred at any time before its
16 passage.

17 6- Amendments and Substitute Bills

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

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

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

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

6-18. Amendments to a bill by the second house shall not be further amended by the house in which the bill originated, but must either be accepted or rejected. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated. If the amendments are accepted and the bill is of a type requiring more than a majority vote for passage, the bill shall again

be placed on third reading in the house of origin. The vote on third reading after concurrence in amendments is the vote of the house of origin that must be used to determine if the required number of votes has been cast.

6-19. If a majority of a house adopts a recommendation for the passage of a bill originating in that house after it has been returned from a committee with amendments, the bill shall be printed on yellow paper with all amendments incorporated into the printed copies. If the bill has been returned from a committee without amendments, only the first sheet shall be printed on yellow paper, and the remainder of the text incorporated by reference to the preceding printed version of the entire bill. Bills referred to the bills committee of the house of origin for printing must be reported within three days unless further time is granted by that house.

E. Engraving and Enrolling

6-20. When a bill has been reported favorably by Committee of the Whole of the house of origin and the report has been adopted, the bill shall be engrossed under the direction of the bills committee, and when reported correctly engrossed by the committee shall be placed on the calendar for third reading on the succeeding legislative day. Committee of the Whole amendments shall be included in

1 the engrossed bill. Copies of the engrossed bill to be
 2 distributed to legislators will be reproduced on blue paper.
 3 If a bill is unamended by the Committee of the Whole and
 4 contains no clerical errors, it may be engrossed without
 5 retyping, and only the first sheet shall be printed on blue
 6 paper with the remainder of the text incorporated by
 7 reference to the preceding printed version of the entire
 8 bill.

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

17 6-21. When a bill has passed both houses it shall be
 18 enrolled under the direction of the bills committee of the
 19 house of origin. An original and two duplicate typewritten
 20 copies of the bill shall be enrolled, free from all
 21 corrections and errors, with a margin of two inches at the
 22 top and one inch on each side. In sections amending existing
 23 statutes, new matter shall be underlined and matter stricken
 24 with a line through it shall be omitted. The original and

1 two copies of the bill shall be red lined. The history of
 2 the bill shall also be enrolled and placed with the bill in
 3 a white manuscript cover, upon which is written the number
 4 of the bill and the title. The Legislative Council staff
 5 shall file a copy of the history with the law library.

6 When the enrolling has been completed, the bill shall
 7 be examined by the sponsor and the bills committee and
 8 reported correctly enrolled.

9 The correctly enrolled bill shall be delivered to the
 10 presiding officer of the house in which the bill originated.
 11 The presiding officer shall sign the original and two copies
 12 of each bill delivered to him not later than the next
 13 legislative day after it has been reported correctly
 14 enrolled, unless the bill is delivered on the last
 15 legislative day, in which event it shall be signed that day.
 16 The fact of signing shall be announced by the presiding
 17 officer and entered upon the journal no later than the next
 18 legislative day. At any time after the report of a bill
 19 correctly enrolled and before the signing, if a member
 20 signifies his desire to examine the bill, he shall be
 21 permitted to do so. The bill shall then be transmitted to
 22 the other house where the same procedure shall be followed.

23 A bill that has passed both houses of the legislature
 24 by the 90th day may be enrolled; clerically corrected by the

1 presiding officers, if necessary; signed by the presiding
2 officers; and delivered to the governor not later than 5
3 days after the 90th legislative day. All journal entries
4 authorized under this rule will be entered on the journal
5 for the 90th day.

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

15 E. Second Reading -- Committee of the Whole

16 6-22. All bills, except consent calendar bills, which
17 have been reported by a committee, accepted by the house
18 concerned, and printed shall be posted on the calendar for
19 consideration by Committee of the Whole. The secretary of
20 the Senate or chief clerk of the House shall record the time
21 each bill is received and the time the bill is placed on
22 members' desks. Until the 50th legislative day, one day must
23 elapse between the time a committee approved bill is placed
24 on the members' desks and consideration by Committee of the

1 Whole. Bills shall be arranged on the calendar in numerical
2 order unless they are companion bills or are otherwise
3 ordered by the house or Committee of the Whole of the house
4 concerned.

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

8 All Committee of the Whole amendments shall be prepared
9 and delivered to the clerk for reading before the amendment
10 is voted on. The amendment form will include the date and
11 time of the amendment. Each rejected proposed amendment
12 shall be identified and kept in the office of the chief
13 clerk of the House or secretary of the Senate. Upon
14 adjournment, the text of such amendments shall be delivered
15 to the state archives.

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

19 6-25. When a Committee of the Whole report on a bill is
20 rejected, the bill shall remain on second reading.

21 6-26. Either house may resolve itself into a Committee
22 of the Whole by approval of a motion for that purpose. So
23 far as may be applicable, the rules governing each house

1 shall be observed when that house resolves itself into a
2 Committee of the Whole, except as follows:

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

4 (a) amend;

5 (b) recommend passage or nonpassage;

6 (c) recommend concurrence or nonconcurrence;

7 (d) indefinitely postpone;

8 (e) pass consideration;

9 (f) rise;

10 (g) rise and report; or

11 (h) rise and report progress and ask leave to sit
12 again.

13 (2) The committee may not appoint subcommittees.

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

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

1 6-27. After a Committee of the Whole has been formed,
2 the presiding officer shall appoint a chairman to preside.
3 Upon resuming the chair, the presiding officer shall receive
4 the report of the chairman of the committee and the house
5 shall take action on the report.

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

7 6-28. No bill shall become a law except by vote of a
8 majority of all the members present and voting in each
9 house. On final passage the vote shall be taken by ayes and
10 noes, and the names of those voting entered on the journal
11 (Montana Constitution, Art. V, Sec. 11(1) and (2)).

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

17 6-29. Except for consent calendar bills, every bill
18 shall be read three times prior to passage, either by title
19 or by summary of title as provided in these rules. The first
20 reading shall be as prescribed in Joint Rule 6-10; the
21 second prior to debate in Committee of the Whole; and the
22 third, ~~which shall be by complete title~~ prior to final
23 passage. No bill shall receive more than one reading on the

1 same day except on the last legislative day. No amendment
2 may be offered on the third reading.

3 6-30. (1) Each bill passed by the legislature, except
4 bills proposing amendments to the Montana Constitution,
5 bills ratifying proposed amendments to the United States
6 Constitution, resolutions, and referendum measures of the
7 legislature, shall be submitted to the governor for his
8 signature. If he does not sign or veto the bill within 5
9 days after its delivery to him if the legislature is in
10 session or within 25 days if the legislature is adjourned,
11 it shall become law. The governor shall return a vetoed bill
12 to the legislature with a statement of his reasons therefor.

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

19 (3) If after receipt of a veto message, two-thirds of
20 the members of each house present approve the bill, it shall
21 become law.

22 (4) If the legislature is not in session when the
23 governor vetoes a bill, he shall return the bill with his

1 reasons therefor to the legislature as provided by law. The
2 legislature may be polled on a bill approved by two-thirds
3 of the members present or reconvened to reconsider any bill
4 so vetoed. (Montana Constitution, Art. VI, Sec. 10.)

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

1 originating house's approval or disapproval of the
2 governor's recommendations.

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

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

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

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

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

21 H. Transmittal of Bills -- Revenue and Appropriation Bills

22 6-33. Each house shall transmit to the other with any

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

8 6-34. No bill, except for appropriation bills, revenue
9 bills, and amendments considered by joint committee, need be
10 acted upon (save for reference to a committee by the
11 presiding officer) if transmitted from one house to the
12 other after the 45th legislative day, but shall be held
13 pending in the house to which it is transmitted unless
14 two-thirds of the members present and voting determine that
15 the bill shall be acted upon. Amendments, except to
16 appropriation bills and revenue bills, shall likewise be
17 deferred for consideration if transmitted after the 70th
18 legislative day.

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

21 REVENUE BILLS ORIGINATING IN THE SENATE SHALL BE
22 TRANSMITTED TO THE HOUSE ON OR BEFORE THE 35TH 40TH DAY,
23 UNLESS TWO-THIRDS OF THE MEMBERS PRESENT AND VOTING IN THE
24 HOUSE DETERMINE THAT THE BILL MAY BE TRANSMITTED AFTER THE

1 35TH 60TH DAY.

2 Appropriation and revenue bills ORIGINATING IN THE
 3 HOUSE shall be transmitted ~~from the originat--house~~ TO THE
 4 SENATE on or before the 70th day unless two-thirds of the
 5 members present and voting in the ~~receiving--house~~ SENATE
 6 determine that the bill may be transmitted after the 70th
 7 day. SENATE AMENDMENTS TO SUCH BILLS SHALL BE TRANSMITTED
 8 BY THE SENATE TO THE HOUSE ON OR BEFORE THE 83RD 85TH
 9 LEGISLATIVE DAY UNLESS TWO-THIRDS OF THE MEMBERS PRESENT AND
 10 VOTING IN THE HOUSE DETERMINE THAT SUCH AN AMENDMENT MAY BE
 11 TRANSMITTED AFTER THE 83RD 85TH DAY.

12 A JOINT RESOLUTION SHALL BE INTRODUCED IN THE HOUSE AND
 13 TRANSMITTED TO THE SENATE ON OR BEFORE THE 65TH LEGISLATIVE
 14 DAY TO ESTABLISH, FOR EACH YEAR OF THE SUCCEEDING BIENNIAL,
 15 THE AMOUNT OF THE STATE'S ANTICIPATED REVENUE FOR THE
 16 PURPOSE OF MEETING THE BALANCED BUDGET REQUIREMENT OF
 17 ARTICLE VIII, SECTION 9, OF THE MONTANA CONSTITUTION. SENATE
 18 AMENDMENTS TO THIS JOINT RESOLUTION SHALL BE TRANSMITTED TO
 19 THE HOUSE ON OR BEFORE THE 80TH LEGISLATIVE DAY UNLESS
 20 TWO-THIRDS OF THE MEMBERS PRESENT AND VOTING IN THE HOUSE
 21 DETERMINE THAT SUCH AN AMENDMENT MAY BE TRANSMITTED AFTER
 22 THE 80TH DAY.

23 NEITHER HOUSE MAY INCREASE THE TOTAL APPROPRIATION
 24 TRANSMITTED BEYOND THE AMOUNT CONTAINED IN THE JOINT

1 RESOLUTION UNLESS IT FIRST AMENDS THE JOINT RESOLUTION AND,
 2 IN ACCORDANCE WITH THE RULES GOVERNING TRANSMITTAL OF
 3 REVENUE BILLS, TRANSMITS TO THE OTHER HOUSE A MEASURE TO
 4 INCREASE REVENUES SUFFICIENT TO MEET THE INCREASED
 5 APPROPRIATION.

6 Interim study resolutions and joint resolutions
 7 concerning administrative rules may be transmitted at any
 8 time during a session.

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

13 I. Fiscal Notes

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

1 based on the Legislative Council staff recommendation.

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

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

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

20 A fiscal note also may be requested on a bill and on an
21 amendment by:

22 (1) a committee considering the bill, or

1 (2) a majority of the members of the house in which
2 the bill is to be considered, at the time of second reading,
3 or

4 (3) the chief sponsor through the presiding officer.

5 The budget director shall make available on request to
6 any member of the legislature all background information
7 used in developing a fiscal note (Title 5, chapter 4, part
8 2, MCA).

9 CHAPTER 7 10 Committees

11 7-1. The committee on legislative administration of
12 each house shall consider all matters concerned with
13 seating, mileage and expenses, legislative employees, the
14 control of the legislative property, and the budgeting for
15 and expenditure of appropriations for the operation of the
16 legislature, in cooperation with the Legislative Council
17 staff.

18 7-2. ~~UPON REQUEST OF ANY MEMBER OF THE HOUSE IN WHICH A~~
19 ~~BILL IS PENDING,~~ A A standing committee shall submit a
20 written report in triplicate on ~~any bill~~ ~~or~~
21 matters ~~MAILED~~ referred to it within seven days after
22 reference ~~THE REQUEST,~~ unless, at the request of the
23 committee and for good cause shown, further time is granted

1 by the house concerned.

2 7-3. If the members of a committee cannot agree on a
3 report, the majority and minority of the committee present
4 at a committee meeting may submit separate reports. Only one
5 minority report may be submitted. Such reports shall be
6 entered at length on the journal, unless otherwise ordered
7 by the house concerned.

8 7-4. All committees and subcommittees shall keep
9 minutes of their meetings and, at the close of the session,
10 shall make an original and two complete copies and shall
11 turn the original of the minutes over to the chief clerk of
12 the House or secretary of the Senate for delivery to the
13 historical society. The Legislative Council and the law
14 library shall each be given one copy of the minutes.

15 7-5. The committee on bills and journal, the rules
16 committee, and conference committees may report at any time,
17 except during a call of the house or when a vote is being
18 taken. Reports from the bills and journal committee shall
19 stand approved without formal action.

20 7-6. All bills providing for an appropriation of
21 public money may first be considered by a joint committee
22 composed of the members of the Senate committee on finance
23 and claims and the House committee on appropriations, and

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

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

11 7-8. If either house requests a conference and appoints
12 a committee for the purpose of discussing an amendment on
13 which the Senate and the House of Representatives cannot
14 agree, the other house shall appoint a committee consisting
15 of the same number of members. The time and place of all
16 conference committee meetings shall be agreed upon by their
17 chairman and be announced from the rostrum. This
18 announcement is in order at any time. Failure to make this
19 announcement shall not affect the validity of the
20 legislation. The conference committees, having conferred,
21 shall report to their respective houses the result of their
22 conference. A conference committee shall confine itself to
23 the disputed amendment.

24 If either house requests a free conference committee

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

1 report is adopted on third reading and the bill is of a type
2 requiring more than a majority vote for passage, the bill
3 shall again be placed on third reading in each house. This
4 third reading vote must be used to determine if the required
5 number of votes has been cast.

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

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

CHAPTER 8

Rules and Journal

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

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

(1) the number of each bill when it is introduced and subsequently considered;

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

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

(4) committee reports;

(5) roll call votes;

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

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

The title of each bill shall be printed in the index of the permanent journals.

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

8-4. The journal of the Senate must be authenticated by

the signature of the president, and the journal of the House of Representatives, by the signature of the speaker. The distribution of the completed journals shall be made by the Legislative Council (Sec. 5-11-201 through 5-11-203, MCA).

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

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

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

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

8-7. The Legislative Council shall codify and publish in one volume the rules of the Senate, the rules of the House of Representatives, and the joint rules of the Senate

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

10 8-8. Pursuant to the authority established in Sections
11 5-11-211 through 5-11-214, MCA, the following fee schedule
12 is established for the legislative proceedings:

13 One complete set of the proceedings of any regular
14 session, \$250; an additional \$150 is required for mailing.

15 One complete set of the proceedings of any special
16 session, \$25.

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

20 1-5 pages.....\$.25

21 6-15 pages.....\$.50

22 16-40 pages.....\$1.00

1 41-100 pages.....\$1.50
2 101-200 pages.....\$2.00
3 Over 200 pages.....\$4.00
4 Copies of enacted bills.....cost of
5 reproduction.

CHAPTER 9

Voting Procedure

8 9-1. Except as provided in Joint Rule 9-2, every member
9 present when a question is put shall vote unless the house
10 of which he is a member excuses him.

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

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

20 9-4. When a measure requiring the concurrence of
21 two-thirds of the members is under consideration, a majority

1 vote is sufficient to decide any question relating to the
2 measure short of third reading.

3 9-5. A roll call vote shall be taken on the request of
4 two members, if the request occurs before the vote is taken.

5 9-6. On a roll call vote the names of the members shall
6 be called alphabetically, unless an electrical voting system
7 is used. A member may not vote or change his vote after the
8 decision is announced from the chair. A member may not
9 explain his vote until after the decision is announced from
10 the chair.

11 9-7. (1) On third reading the question shall be stated
12 as follows: "Senate (or House) bill number having been
13 read three several times, the question is, shall the bill
14 pass (or be concurred in)."

15 (2) If an electrical voting system is used, the bell
16 shall be rung after the question is stated and then the
17 presiding officer shall state "Those in favor vote yes and
18 those opposed vote no." After a reasonable pause the
19 presiding officer asks "Has every member voted?" (reasonable
20 pause) "Does any member wish to change his or her vote?"
21 (reasonable pause) "The clerk (secretary) will now record
22 the vote."

23 9-8. Two members may pair on a measure that will be

1 determined by a majority vote. On a measure requiring a
2 two-thirds vote for adoption three members may pair, with
3 two members for the measure and one member against. Pairing
4 is permitted only when one of the paired members is excused
5 when the vote is taken.

6 9-9. An agreement to pair must be in writing and dated
7 and signed by the members agreeing to be bound, and must
8 specify the duration of the pair. When an agreement to pair
9 is filed with the secretary of the Senate or chief clerk of
10 the House of Representatives, it shall bind the members
11 signing until the expiration of time for which it was
12 signed, unless the paired members sooner appear and ask that
13 the agreement be cancelled.

14 9-10. Every vote of each member of the legislature on
15 each substantive question in the legislature, in any
16 committee, or in Committee of the Whole shall be recorded
17 and made public. On final passage of any bill or joint
18 resolution the vote shall be taken by ayes and noes and the
19 names entered on the journal. Roll call votes shall be
20 taken by ayes and noes and the names entered on the journal
21 on adopting an adverse committee report and on those motions
22 made in Committee of the Whole referred to in Joint Rule
23 6-26(1)(a) through (d). A roll call vote shall be taken on
24 nonsubstantive questions on the request of two members, who

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

CHAPTER 10

Consent Calendar

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

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

(2) The legislation is then sent to printing to be prepared as a third reading version and specifically marked

as a "consent calendar" item.

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

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

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

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

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

CHAPTER 11

Statement of Legislative Intent

11-1. Definition. For the purpose of compliance with

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

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

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

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

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

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

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

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

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

-End-