

SENATE JOINT RESOLUTION NO. 3

INTRODUCED BY VAN VALKENBURG, RAMIREZ, HARPER, STEPHENS

IN THE SENATE

January 8, 1985	Introduced and referred to Committee on Rules.
January 9, 1985	Committee recommend bill do pass. Report adopted.
January 10, 1985	Bill printed and placed on members' desks.
January 11, 1985	Second reading, do pass as amended.
January 12, 1985	Correctly engrossed. Rules suspended. Taken from engrossing and placed on second reading today. Motion passed. Second reading, do pass as amended. Rules suspended. Taken from second reading and placed on third reading this day. Motion passed. Third reading, passed. Ayes, 47; Noes, 0. Transmitted to House.

IN THE HOUSE

January 14, 1985	Introduced and referred to Committee on Rules.
January 18, 1985	Committee recommend bill be concurred in as amended. Report adopted.

January 18, 1985

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

Second reading, concurred in.

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

Third reading, concurred in.

Returned to Senate with amendments.

IN THE SENATE

January 19, 1985

Received from House.

January 22, 1985

Second reading, amendments not concurred in.

On motion, Free Conference Committee requested and appointed.

February 4, 1985

Free Conference Committee reported.

Free Conference Committee report adopted by House.

February 5, 1985

Second reading, Free Conference Committee report adopted.

February 6, 1985

Third reading, Free Conference Committee report adopted.
Ayes, 47; Noes, 1.

Sent to enrolling.

Reported correctly enrolled.

1 Senate JOINT RESOLUTION NO. 3
 2 INTRODUCED BY Van Vleet, Ramirez, Hayes
 3 STEPHENS

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 be 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
 25 decorum, and in case of disturbance or disorderly conduct,

1 may order the galleries or lobbies to be cleared.

2 1-3. The presiding officer of each house has general
 3 control and direction of the hall, chamber, rooms, passages,
 4 and corridors of the house over which he presides. Reporters
 5 on assignment in either house are subject to placement by
 6 the presiding officer.

7 1-4. The presiding officer of each house shall decide
 8 all questions of order, subject to an appeal by any member
 9 seconded by two other members. No member may speak more than
 10 once on an appeal without the consent of a majority of the
 11 house of which he is a member.

12 1-5. When a member desires to speak he shall rise and
 13 address the presiding officer and, being recognized, shall
 14 speak standing in his place unless the presiding officer
 15 grants permission to speak from some other place on the
 16 floor. When two or more members rise at the same time the
 17 presiding officer shall name the member who is to speak
 18 first.

19 1-6. When a member has been called to order, he shall
 20 sit down until the presiding officer determines whether he
 21 is in order or not. If the member is called to order for
 22 words spoken in debate, the language excepted to shall be
 23 taken down in writing by the chief clerk or secretary.

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



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 SJR 3

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

7 1-8. The presiding officer of each house shall sign all
 8 subpoenas approved or issued by the house over which he
 9 presides.

10 1-9. (1) A communication or paper shall be addressed to
 11 the presiding officer and shall bear the name of the person
 12 submitting it. When the reading of a paper is called for and
 13 a member objects, it shall be determined by a vote of the
 14 house without debate. This subsection does not apply to
 15 bills or to communications from the governor or the other
 16 house.

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

22 1-10. When the presiding officer is presiding, he shall
 23 vote as any other member and may not vote a second time.

CHAPTER 2

Meetings, Quorums, and Attendance

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

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

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

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

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

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

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

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

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

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

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

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

23 CHAPTER 3

24 Legislative Employees

25 3-1. The legislature shall prescribe the compensation

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

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

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

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

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

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

1 other papers;

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

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

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

11 3-6. Journal clerks, bill clerks, typists, and other
12 employees responsible for legislative functions, except
13 secretaries for standing or special committees, secretaries
14 to presiding officers, and secretaries to majority and
15 minority floor leaders, are immediately responsible to the
16 secretary of the Senate or the chief clerk of the House,
17 subject to the general supervision of the presiding officer.

18 3-7. The duties of the engrossing and enrolling staff
19 are:

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

24 (b) to correct clerical errors, absent the objection
25 of the sponsor of a bill or amendment and the secretary of

1 the Senate or chief clerk of the House of Representatives,
2 in any bill or amendment originating in the house by which
3 they are employed. Clerical errors such as the following
4 may be corrected:

5 (i) errors in spelling

6 (ii) errors in numbering sections

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

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

11 The secretary of the Senate or chief clerk of the House
12 and the sponsor of the bill or amendment shall be notified
13 in writing of the clerical correction. An objection to the
14 correction may be registered by the secretary of the Senate,
15 chief clerk of the House, or sponsor by filing it in writing
16 within 24 hours after receipt of the notice.

17 When a committee is the sponsor of a bill, any member
18 thereof so designated by the chairman may be the principal
19 sponsor for the purpose of this section. When a committee
20 has proposed an amendment, the chairman is the principal
21 sponsor for the purpose of this section.

22 3-8. (1) The sergeants-at-arms are responsible to the
23 presiding officers of their respective houses. Their duties
24 are to:

25 (a) maintain order under the direction of the

1 presiding officer;

2 (b) execute commands and serve all processes;

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

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

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

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

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

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

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

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

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

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

17 The Council staff shall prepare payrolls for
18 certification and signature by the presiding officer and
19 prepare a monthly financial report and distribute the report
20 to legislative leaders in each house and to members of the
21 Senate committee on finance and claims and House committee
22 on appropriations.

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

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

5 CHAPTER 4

6 Order of Business

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

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

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

1 CHAPTER 5

2 Motions

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

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

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

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

1 Rule 5-4.

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

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

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

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

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

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

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

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

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

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

14 CHAPTER 6

15 Bills and Resolutions

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

18 6-1. The only types of instruments other than bills
 19 which may be introduced in either house of the legislature
 20 are as follows:

21 (1) A simple resolution is a formalized motion passed
 22 by one house only and bears the heading "House Resolution"
 23 or "Senate Resolution". It may be used only to adopt or
 24 amend the rules of one house, to make recommendations
 25 concerning the districting and apportionment plan as

1 provided by Article V, section 14, subsection (3), of the
 2 Montana Constitution, or to provide for the internal affairs
 3 of the house adopting it. It does not require three readings
 4 or a roll call vote. A member offering a simple resolution
 5 may read it in his place before introduction. When a simple
 6 resolution has been introduced, it shall be referred to a
 7 committee. Final action shall be taken on the Committee of
 8 the Whole report. The transmittal of copies of simple
 9 resolutions is the responsibility of the chief clerk or
 10 secretary of the house of origin.

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

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

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

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

20 (c) adopt or amend the joint rules;

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

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

25 (f) deal with disasters and emergencies under Title

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

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

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

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

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

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

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

17 6-2. All bill drafting requests shall require a
18 legislative sponsor. Bills shall be printed on paper with
19 numbered lines and shall be introduced in triplicate. Bills
20 shall be numbered at the foot of each page (except page 1)
21 and the original copy shall have a white cover of a
22 substantial material. In sections amending existing
23 statutes, matter to be stricken out shall be indicated with
24 a line through the words or part to be deleted, and new
25 matter shall be underlined. Sections of the Montana Code

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

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

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

16 6-4. All appropriation bills shall originate in the
17 House of Representatives.

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

22 (f) standing committee bills;

23 (g) appropriation bills; or

24 (h) revenue bills.

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

1 staff of the Legislative Council prior to introduction for
2 proper format, style, and legal form. Bills will be stored
3 on the automated bill drafting equipment, printed, and
4 delivered in triplicate to the requesting legislator. A
5 stamp shall be affixed to the original bill cover and signed
6 to indicate Council review. If such stamp is not affixed,
7 the bill may not be introduced.

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

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

25 (5) Bills may be preintroduced, numbered, and

1 reproduced prior to a legislative session by the staff of
 2 the Legislative Council. Actual signatures may appear on
 3 the face of the preintroduced bill, or signatures may be
 4 obtained on a consent form from the Legislative Council and
 5 the sponsor's name printed on the bill. Additional sponsors
 6 may be added on motion of the chief sponsor at any time
 7 prior to a standing committee report on the bill. These
 8 names will be forwarded to the Legislative Council to be
 9 included on the face of the bill following standing
 10 committee approval.

11 All preintroduced bills will be made available to the
 12 public.

13 6-7. The following schedule must be followed for
 14 submission of drafting requests and introduction of bills
 15 and resolutions.

	Request	Introduction
	Deadline	Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
16 General Bills and Resolutions	10	14
17	(or 2 legislative	
18	days after delivery	
19	if delivery is	
20	after 14th day)	
21 Revenue Bills	17	21

1 Committee Bills and Resolutions	36	40
2 Committee Revenue Bills	62	66
3 Appropriation Bills	No deadline	No deadline
4 Interim Study Resolutions	No deadline	No deadline
5 Bills repealing or directing		
6 the amendment or adoption		
7 of Administrative Rules and		
8 Joint Resolutions advising		
9 or requesting the repeal,		
10 amendment, or adoption		
11 of Administrative Rules	No deadline	No deadline

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

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

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

21 C. First Reading and Referral

22 6-10. No motion affecting a bill is in order on its
 23 first reading except as provided in Joint Rule 6-6(5).

24 Upon introduction or reception of a bill, the chief
 25 clerk of the House or the secretary of the Senate shall

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

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

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

10 6-13. A bill may be rereferred at any time before its
 11 passage.

12 D. Amendments and Substitute Bills

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

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

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

1 6-17. The proper form of reporting a substitute bill by
 2 a committee is to propose amendments to strike out all of
 3 the bill following the enacting clause and to substitute the
 4 new bill, recommending also any necessary changes in the
 5 title. If a committee report recommending a substitute for a
 6 bill originating in the other house is adopted, the
 7 substitute bill shall be printed and reproduced.

8 6-18. Amendments to a bill by the second house shall
 9 not be further amended by the house in which the bill
 10 originated, but must either be accepted or rejected. If the
 11 amendments are rejected, a conference committee may be
 12 requested by the house in which the bill originated. If the
 13 amendments are accepted and the bill is of a type requiring
 14 more than a majority vote for passage, the bill shall again
 15 be placed on third reading in the house of origin. The vote
 16 on third reading after concurrence in amendments is the vote
 17 of the house of origin that must be used to determine if the
 18 required number of votes has been cast.

19 6-19. If a majority of a house adopts a recommendation
 20 for the passage of a bill originating in that house after it
 21 has been returned from a committee with amendments, the bill
 22 shall be reproduced on yellow paper with all amendments
 23 incorporated into the copies. If the bill has been returned
 24 from a committee without amendments, only the first sheet
 25 need be reproduced on yellow paper, and the remainder of the

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

5 E. Engrossing and Enrolling

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

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

1 reading, copies of the reference bill and second house
 2 amendments will be distributed in the original house.

3 6-21. When a bill has passed both houses it shall be
 4 enrolled under the direction of the bills committee of the
 5 house of origin. An original and two duplicate printed
 6 copies of the bill shall be enrolled, free from all
 7 corrections and errors, with a margin of two inches at the
 8 top and one inch on each side. In sections amending existing
 9 statutes, new matter shall be underlined and matter stricken
 10 with a line through it shall be omitted. The original and
 11 two copies of the bill shall be red lined. The history of
 12 the bill shall also be enrolled and placed with the bill in
 13 a white manuscript cover, upon which is written the number
 14 of the bill and the title. The Legislative Council staff
 15 shall file a copy of the history with the law library.

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

19 The correctly enrolled bill shall be delivered to the
 20 presiding officer of the house in which the bill originated.
 21 The presiding officer shall sign the original and two copies
 22 of each bill delivered to him not later than the next
 23 legislative day after it has been reported correctly
 24 enrolled, unless the bill is delivered on the last
 25 legislative day, in which event it shall be signed that day.

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

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

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

24 F. Second Reading -- Committee of the Whole

25 6-22. All bills, except consent calendar bills, which

1 have been reported by a committee, accepted by the house
 2 concerned, and reproduced shall be posted on the calendar
 3 for consideration by Committee of the Whole. The secretary
 4 of the Senate or chief clerk of the House shall record the
 5 time each bill is received and the time the bill is placed
 6 on members' desks. Until the 50th legislative day, one day
 7 must elapse between the time a committee approved bill is
 8 placed on the members' desks and consideration by Committee
 9 of the Whole. Bills shall be arranged on the calendar in
 10 numerical order unless they are companion bills or are
 11 otherwise ordered by the house or Committee of the Whole of
 12 the house concerned.

13 6-23. Every bill considered in Committee of the Whole
 14 shall be read by a summary of its title. Proposed amendments
 15 shall be considered; then the bill shall be considered in
 16 its entirety.

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

25 6-24. Prior to adoption of a Committee of the Whole

1 report, a member may move to segregate a bill. If the motion
2 prevails, the bill remains on second reading.

3 6-25. When a Committee of the Whole report on a bill is
4 rejected, the bill shall remain on second reading.

5 6-26. Either house may resolve itself into a Committee
6 of the Whole by approval of a motion for that purpose. So
7 far as may be applicable, the rules governing each house
8 shall be observed when that house resolves itself into a
9 Committee of the Whole, except as follows:

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

- 11 (a) amend;
- 12 (b) recommend passage or nonpassage;
- 13 (c) recommend concurrence or nonconcurrence;
- 14 (d) indefinitely postpone;
- 15 (e) pass consideration;
- 16 (f) rise;
- 17 (g) rise and report; or
- 18 (h) rise and report progress and ask leave to sit
19 again.

20 (2) The committee may not appoint subcommittees.

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

23 (4) Unless otherwise prescribed by either house before
24 going into Committee of the Whole, a member may speak as
25 often as he is recognized and for as long each time as is

1 allowed in debate in the particular house.

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

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

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

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

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

1 reading.

2 6-30. (1) Each bill passed by the legislature, except
3 bills proposing amendments to the Montana Constitution,
4 bills ratifying proposed amendments to the United States
5 Constitution, resolutions, and referendum measures of the
6 legislature, shall be submitted to the governor for his
7 signature. If he does not sign or veto the bill within 5
8 days after its delivery to him if the legislature is in
9 session or within 25 days if the legislature is adjourned,
10 it shall become law. The governor shall return a vetoed bill
11 to the legislature with a statement of his reasons therefor.

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

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

21 (4) If the legislature is not in session when the
22 governor vetoes a bill, he shall return the bill with his
23 reasons therefor to the legislature as provided by law. The
24 legislature may be polled on a bill approved by two-thirds
25 of the members present or reconvened to reconsider any bill

1 so vetoed. (Montana Constitution, Art. VI, Sec. 10.)

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

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

13 6-32. If the governor returns a bill to the originating
14 house with his recommendations for amendment, such house
15 shall reconsider the bill under its rules relating to
16 amendment offered in Committee of the Whole. The bill is
17 then subject to the following procedures:

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

23 (b) If both houses approve the governor's
24 recommendations, the bill shall be returned to the governor
25 for his reconsideration.

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

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

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

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

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

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

25 6-34. No bill, except for appropriation bills, revenue

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

11 A revenue bill is one which would either increase or
12 decrease tax collections.

13 Revenue bills originating in the Senate shall be
14 transmitted to the House on or before the 50th day, unless
15 two-thirds of the members present and voting in the House
16 determine that the bill may be transmitted after the 50th
17 day. House amendments to such bills shall be transmitted by
18 the House to the Senate on or before the 70th day unless
19 two-thirds of the members present and voting in the Senate
20 determine that such an amendment may be transmitted after
21 the 70th day.

22 Appropriation and revenue bills originating in the
23 House shall be transmitted to the Senate on or before the
24 70th day unless two-thirds of the members present and voting
25 in the Senate determine that the bill may be transmitted

1 after the 70th day. Senate amendments to such bills shall
2 be transmitted by the Senate to the House on or before the
3 85th legislative day unless two-thirds of the members
4 present and voting in the House determine that such an
5 amendment may be transmitted after the 85th day.

6 Interim study resolutions, bills repealing or directing
7 the amendment or adoption of administrative rules, and joint
8 resolutions advising or requesting the repeal, amendment, or
9 adoption of administrative rules may be transmitted at any
10 time during a session.

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

15 I. Fiscal Notes

16 6-36. All bills reported out of a committee of the
17 legislature having an effect on the revenues, expenditures,
18 or fiscal liability of the state, except appropriation
19 measures carrying specific dollar amounts, shall include a
20 fiscal note incorporating an estimate of such effect. The
21 Legislative Council staff shall indicate at the top of each
22 bill prepared for introduction that a fiscal note may be
23 necessary under this rule. Fiscal notes shall be requested
24 by the presiding officer of either house, who shall
25 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 reproduced and placed on the
13 members' 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
- 23 (2) a majority of the members of the house in which
24 the bill is to be considered, at the time of second reading,
25 or

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

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

6 CHAPTER 7

7 Committees

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

15 7-2. Upon request of any member of the house in which a
16 bill is pending, a standing committee shall submit a written
17 report in triplicate on any bill or matter referred to it
18 within seven days after the request, unless, at the request
19 of the committee and for good cause shown, further time is
20 granted by the house concerned.

21 7-3. If the members of a committee cannot agree on a
22 report, the majority and minority of the committee present
23 at a committee meeting may submit separate reports. Only one
24 minority report may be submitted. Such reports shall be
25 entered at length on the journal, unless otherwise ordered

1 by the house concerned.

2 7-4. All committees and subcommittees shall keep
3 minutes of their meetings and, at the close of the session,
4 shall make an original and two complete copies and shall
5 turn the original of the minutes over to the chief clerk of
6 the House or secretary of the Senate for delivery to the
7 historical society. The Legislative Council and the law
8 library shall each be given one copy of the minutes.

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

14 7-6. All bills providing for an appropriation of
15 public money may first be considered by a joint committee
16 composed of the members of the Senate committee on finance
17 and claims and the House committee on appropriations, and
18 then by each separately. Meetings of the joint committee
19 shall be held upon call of the chairman of the House
20 committee on appropriations who shall be chairman of the
21 joint committee.

22 7-7. The chairman of each committee has general control
23 and direction of the hall and committee room of the
24 committee over which he presides, subject to the control of
25 the presiding officer under Rule 1-3. Except as provided in

1 Joint Rule 7-6, the chairman of the Senate committee shall
2 be chairman of all joint committees.

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

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

21 7-9. In joint committees other than conference
22 committees, members vote individually and not by houses.
23 Because conference committees are joint meetings of separate
24 committees, in conference committees the committees from
25 each house vote separately. A majority of each committee

1 must agree before any action may be taken unless otherwise
2 specified by individual house rules.

3 7-10. Conference committee reports must give clerical
4 instructions for enrolling by referring to the reference
5 bill version.

6 When a conference committee report is filed with the
7 secretary of the Senate or chief clerk of the House of
8 Representatives, the same shall be read under Order of
9 Business No. 3, select committees, and placed on the
10 calendar for consideration on second reading. If recommended
11 favorably by the Committee of the Whole, it may be
12 considered on third reading the same legislative day. On
13 the final legislative day a conference committee report
14 shall be placed on the calendar for immediate consideration
15 on second reading and shall be further considered on third
16 reading the same legislative day. If a conference committee
17 report is adopted on third reading and the bill is of a type
18 requiring more than a majority vote for passage, the bill
19 shall again be placed on third reading in each house. This
20 third reading vote must be used to determine if the required
21 number of votes has been cast.

22 7-11. Accredited press representatives may not be
23 excluded from any public legislative meeting or hearing and
24 may not be prohibited from taking photographs, televising,
25 or recording the committee or house hearings, subject to the

1 discretion of the presiding officer in all matters of
2 decorum and order.

3 7-12. A committee block scheduling system will be
4 implemented in the Senate and House of Representatives. The
5 schedule will be coordinated between houses and will be
6 adjusted according to the legislature's work load.

7 CHAPTER 8

8 Rules and Journal

9 8-1. Each house shall keep a journal of its proceedings
10 and may, in its discretion, from time to time, publish the
11 same, and the ayes and noes on any question shall, at the
12 request of any two members, be entered on the journal.

13 8-2. The proceedings of each house which shall be
14 entered on its journal include:

- 15 (1) the number of each bill when it is introduced and
16 subsequently considered;
- 17 (2) every motion and the name of the member making it;
- 18 (3) proposed constitutional amendments which have been
19 voted for by two-thirds of the members (Montana
20 Constitution, Art. XIV, Sec. 8);
- 21 (4) committee reports;
- 22 (5) roll call votes;
- 23 (6) messages from the governor and the other house;
- 24 (7) an entry of the oath taken by the members (Sec.
25 5-2-214, MCA).

1 The title of each bill shall be listed in the index of
2 the permanent journals.

3 8-3. The bills and journal committee of each house
4 shall supply the Legislative Council with the contents of
5 the daily journal to be stored on an automated system,
6 examine its journal, distribute a daily journal to all
7 legislators, order correction of any errors, and report each
8 legislative day immediately after roll call.

9 8-4. The journal of the Senate must be authenticated by
10 the signature of the president, and the journal of the House
11 of Representatives, by the signature of the speaker. The
12 distribution of the completed journals shall be made by the
13 Legislative Council (Sec. 5-11-201 through 5-11-203, MCA).

14 8-5. (1) A joint rule may be repealed or amended only
15 with the concurrence of both houses, under the procedures
16 adopted by each house for the repeal or amendment of its own
17 rules.

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

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

1 informational purposes.

2 8-6. Mason's Manual of Legislative Procedure governs
3 the proceedings of the Senate and House of Representatives
4 in all cases not covered by these rules.

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

17 8-8. Pursuant to the authority established in Sections
18 5-11-211 through 5-11-214, MCA, the following fee schedule
19 is established for the legislative proceedings:

20 One complete set of the proceedings of any regular
21 session, \$400; an additional \$150 is required for mailing.

22 One complete set of the proceedings of any special
23 session, \$25.

24 Single copies of bills, resolutions, amendments, status
25 sheets, or other documents may be purchased according to the

1 length of the document as follows:

2 1-5 pages.....\$.25

3 6-15 pages.....\$.50

4 16-40 pages.....\$1.00

5 41-100 pages.....\$1.50

6 101-200 pages.....\$2.00

7 Over 200 pages.....\$4.00

8 Copies of enacted bills.....cost of
9 reproduction.

10 CHAPTER 9

11 Voting Procedure

12 9-1. Except as provided in Joint Rule 9-2, every member
13 present when a question is put shall vote unless the house
14 of which he is a member excuses him.

15 9-2. A member who has a personal or private interest in
16 any measure or bill proposed or pending before the
17 legislature shall disclose the fact to the house of which he
18 is a member.

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

24 9-4. When a measure requiring the concurrence of
25 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 electronic 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 electronic voting system is used, the signal
16 shall be sounded 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
24 determined by a majority vote. On a measure requiring a
25 two-thirds vote for adoption three members may pair, with

1 two members for the measure and one member against. Pairing
2 is permitted only when one of the paired members is excused
3 when the vote is taken.

4 9-9. An agreement to pair must be in writing and dated
5 and signed by the members agreeing to be bound, and must
6 specify the duration of the pair. When an agreement to pair
7 is filed with the secretary of the Senate or chief clerk of
8 the House of Representatives, it shall bind the members
9 signing until the expiration of time for which it was
10 signed, unless the paired members sooner appear and ask that
11 the agreement be cancelled.

12 9-10. Every vote of each member of the legislature on
13 each substantive question in the legislature, in any
14 committee, or in Committee of the Whole shall be recorded
15 and made public. On final passage of any bill or joint
16 resolution the vote shall be taken by ayes and noes and the
17 names entered on the journal. Roll call votes shall be
18 taken by ayes and noes and the names entered on the journal
19 on adopting an adverse committee report and on those motions
20 made in Committee of the Whole referred to in Joint Rule
21 6-26(1)(a) through (d). A roll call vote shall be taken on
22 nonsubstantive questions on the request of two members, who
23 may likewise on any vote, request that the ayes and noes be
24 spread upon the journal. Roll call votes and other votes
25 which are to be made public but are not specifically

1 required to be spread upon the journal shall be entered in
 2 the minutes of the appropriate committee or of the
 3 appropriate house and a copy of such minutes shall be filed
 4 with the Montana state historical society (Montana
 5 Constitution, Art. V, Sec. 11(2)).

6 CHAPTER 10

7 Consent Calendar

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

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

20 (2) The legislation is then sent to be processed and
 21 reproduced as a third reading version and specifically
 22 marked as a "consent calendar" item.

23 (3) Legislation shall be immediately posted (as soon
 24 as it is received as a third reading version) on the consent
 25 calendar and must remain there for one legislative day

1 before consideration under Order of Business No. 11, Special
 2 Orders of the Day. At that time, the presiding officer will
 3 announce consideration of the consent calendar and allow
 4 "reasonable time" for questions and answers upon request. No
 5 debate will be allowed.

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

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

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

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

16 CHAPTER 11

17 Statement of Legislative Intent

18 11-1. Definition. For the purpose of compliance with
 19 the Legislative History Act (Title 5, chapter 4, part 4,
 20 MCA), a statement of legislative intent regarding a bill
 21 will express the common understanding of those components of
 22 the legislature voting on the bill. This statement differs
 23 from a purpose clause, which is used in general to describe
 24 the broad overall objectives of a bill, while a statement of
 25 intent is used to guide the details of interpretation by

1 those charged with implementation of the bill and is phrased
 2 in terms of contingencies, examples, or other matter
 3 inappropriate for expression as statutory language.

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

9 11-3. Statement of intent to accompany bill -- when --
 10 how. A statement shall accompany a bill as follows:

11 (1) Statements of intent are required for bills
 12 delegating rulemaking or licensing authority. The statement
 13 shall be stored on ALTER, printed, and reproduced on paper
 14 of the same color and in the same manner as the bill, and
 15 shall be attached to the bill. The statement shall be
 16 reproduced on paper of the same color as the bill and
 17 attached to the bill on all subsequent reproductions of the
 18 bill.

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

22 11-4. Modification. Any committee subsequently
 23 considering the bill may amend a previous statement. The
 24 statement of intent will be reflected in the history of the
 25 bill.

1 11-5. Conference committee on intent only. When the
 2 second house concurs in a bill without amendments but amends
 3 or supersedes a previous statement of intent, the bill may
 4 not be enrolled until both houses have agreed on a statement
 5 of intent. If the statement is attached to a bill that does
 6 not statutorily require one, the conference committee can
 7 delete the statement in its entirety.

8 A new statement of intent written by the second house
 9 will be processed in the same manner as a second house
 10 amendment.

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

-End-

APPROVED BY COMMITTEE
ON RULES

1 Senate JOINT RESOLUTION NO. 3
2 INTRODUCED BY Van Vleet, Ramirez, Hayes
3 STAFFERS

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 be 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
25 decorum, and in case of disturbance or disorderly conduct,

SECOND READING

There are no changes in SJR 3, & will not be re-run.
Please refer to white copy for complete text.



1 SENATE JOINT RESOLUTION NO. 3

2 INTRODUCED BY VAN VALKENBURG, RAMIREZ, HARPER, STEPHENS

3
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21 shall be given in the presence of a quorum, and each house
22 shall proceed with the regular order of business.23 1-2. The presiding officer, or any member acting as
24 presiding officer, of each house shall preserve order and
25 decorum, and in case of disturbance or disorderly conduct,

1 may order the galleries or lobbies to be cleared.

2 1-3. The presiding officer of each house has general
3 control and direction of the hall, chamber, rooms, passages,
4 and corridors of the house over which he presides. Reporters
5 on assignment in either house are subject to placement by
6 the presiding officer.7 1-4. The presiding officer of each house shall decide
8 all questions of order, subject to an appeal by any member
9 seconded by two other members. No member may speak more than
10 once on an appeal without the consent of a majority of the
11 house of which he is a member.12 1-5. When a member desires to speak he shall rise and
13 address the presiding officer and, being recognized, shall
14 speak standing in his place unless the presiding officer
15 grants permission to speak from some other place on the
16 floor. When two or more members rise at the same time the
17 presiding officer shall name the member who is to speak
18 first.19 1-6. When a member has been called to order, he shall
20 sit down until the presiding officer determines whether he
21 is in order or not. If the member is called to order for
22 words spoken in debate, the language excepted to shall be
23 taken down in writing by the chief clerk or secretary.24 1-7. Questions of privilege are: first, those affecting
25 the collective rights, safety, dignity, and integrity of the

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

7 1-8. The presiding officer of each house shall sign all
 8 subpoenas approved or issued by the house over which he
 9 presides.

10 1-9. (1) A communication or paper shall be addressed to
 11 the presiding officer and shall bear the name of the person
 12 submitting it. When the reading of a paper is called for and
 13 a member objects, it shall be determined by a vote of the
 14 house without debate. This subsection does not apply to
 15 bills or to communications from the governor or the other
 16 house.

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

22 1-10. When the presiding officer is presiding, he shall
 23 vote as any other member and may not vote a second time.

CHAPTER 2

Meetings, Quorums, and Attendance

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

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

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

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

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

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

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

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

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

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

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

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

23 CHAPTER 3

24 Legislative Employees

25 3-1. The legislature shall prescribe the compensation

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

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

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

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

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

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

1 other papers;

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

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

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

11 3-6. Journal clerks, bill clerks, typists, and other
12 employees responsible for legislative functions, except
13 secretaries for standing or special committees, secretaries
14 to presiding officers, and secretaries to majority and
15 minority floor leaders, are immediately responsible to the
16 secretary of the Senate or the chief clerk of the House,
17 subject to the general supervision of the presiding officer.

18 ALL STAFF EMPLOYED JOINTLY SHALL BE APPOINTED BY THE JOINT
19 LEGISLATIVE ADMINISTRATION COMMITTEES.

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

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

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

7 (i) errors in spelling

8 (ii) errors in numbering sections

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

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

13 The secretary of the Senate or chief clerk of the House
14 and the sponsor of the bill or amendment shall be notified
15 in writing of the clerical correction. An objection to the
16 correction may be registered by the secretary of the Senate,
17 chief clerk of the House, or sponsor by filing it in writing
18 within 24 hours after receipt of the notice.

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

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

1 are to:

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

4 (b) execute commands and serve all processes;

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

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

11 3-10. The duty of the chaplain of each house is to open
12 each day's session with a prayer.

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

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

25 Qualifications for legislative interns are specified in

1 Title 5, chapter 6, MCA.

2 3-12. An employee, legislative aide, or legislative
3 intern of either house is prohibited from lobbying as
4 defined in Section 5-7-102(1), MCA. However, such person may
5 testify before a committee of either house on the request of
6 the committee. Any person violating this rule shall be
7 discharged.

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

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

19 The Council staff shall prepare payrolls for
20 certification and signature by the presiding officer and
21 prepare a monthly financial report and distribute the report
22 to legislative leaders in each house and to members of the
23 Senate committee on finance and claims and House committee
24 on appropriations.

25 3-15. Contracts for purchase or lease of equipment and

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

7 CHAPTER 4

8 Order of Business

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

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

24 To revert to or pass to a new order of business
 25 requires only a majority vote. Unless otherwise specified in

1 the motion to recess, the house involved shall revert to
 2 Order of Business No. 1 when reconvening after a recess.

3 CHAPTER 5

4 Motions

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

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

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

23 A question may be indefinitely postponed by a majority
 24 roll call vote of all members present and voting. When a
 25 bill or resolution is postponed indefinitely, it is finally

1 rejected and may not be acted upon again during the biennium
2 except upon a motion of reconsideration made pursuant to
3 Rule 5-4.

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

7 5-4. Any member may, on the day the vote was taken or
8 on the next day the house in which the action was taken is
9 in session, move to reconsider the question. A motion to
10 reconsider may not be withdrawn after such next legislative
11 day without the unanimous consent of the house concerned,
12 and thereafter any member may call it up for consideration;
13 however, a motion to reconsider made after the 54th day of
14 the session shall be disposed of when made. A motion to
15 recall a bill from the other house constitutes notice to
16 reconsider and shall be acted on as a motion to reconsider.
17 A motion to reconsider or to recall a bill from the other
18 house may be made only under Order of Business No. 6 and
19 under that order of business takes precedence over all
20 motions except motions to recess or adjourn.

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

25 5-6. (1) Except as provided in subsection (2) of this

1 rule, the effect of moving the previous question, if
2 adopted, is to close debate immediately, to prevent the
3 moving of amendments or other subsidiary motions, and to
4 bring to vote promptly the immediately pending main question
5 and the adhering subsidiary motions, whether on appeal or
6 otherwise.

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

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

16 5-8. The following motions are not debatable:

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

1 (10) to divide a question
 2 (11) to pass business in Committee of the Whole
 3 (12) to take from the table
 4 (13) a decision of the presiding officer, unless
 5 appealed or unless he submits the question to the house for
 6 advice or decision

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

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

13 5-10. No more than one amendment and no more than one
 14 substitute motion may be made to a motion. This rule permits
 15 the main motion and two modifying motions.

16 CHAPTER 6

17 Bills and Resolutions

18 A. Form of Bills -- Definition of Resolutions -- General 19 Provisions

20 6-1. The only types of instruments other than bills
 21 which may be introduced in either house of the legislature
 22 are as follows:

23 (1) A simple resolution is a formalized motion passed
 24 by one house only and bears the heading "House Resolution"
 25 or "Senate Resolution". It may be used only to adopt or

1 amend the rules of one house, to make recommendations
 2 concerning the districting and apportionment plan as
 3 provided by Article V, section 14, subsection (3), of the
 4 Montana Constitution, or to provide for the internal affairs
 5 of the house adopting it. It does not require three readings
 6 or a roll call vote. A member offering a simple resolution
 7 may read it in his place before introduction. When a simple
 8 resolution has been introduced, it shall be referred to a
 9 committee. Final action shall be taken on the Committee of
 10 the Whole report. The transmittal of copies of simple
 11 resolutions is the responsibility of the chief clerk or
 12 secretary of the house of origin.

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

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

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

20 (b) request an interia study by a legislative
 21 subcommittee;

22 (c) adopt or amend the joint rules;

23 (d) set salaries and other terms of employment for
 24 Legislative employees;

25 (e) approve construction of a state building under

1 section 18-2-102 or 20-25-302, MCA;

2 (f) deal with disasters and emergencies under Title

3 10, specifically as provided in sections 10-3-302(3),

4 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

5 (g) submit a negotiated settlement under section

6 39-31-305(3), MCA;

7 (h) declare or terminate an energy emergency under

8 section 90-4-310, MCA;

9 (i) ratify or propose amendments to the United States

10 Constitution; or

11 (j) advise or request the repeal, amendment, or

12 adoption of a rule in the Administrative Rules of Montana.

13 Except as otherwise provided in these rules or the

14 Constitution of the State of Montana, a joint resolution is

15 treated in all respects as a bill.

16 A copy of every joint resolution is to be transmitted

17 after adoption to the secretary of state by the secretary of

18 the Senate or chief clerk of the House.

19 6-2. All bill drafting requests shall require a

20 legislative sponsor. Bills shall be printed on paper with

21 numbered lines and shall be introduced in triplicate. Bills

22 shall be numbered at the foot of each page (except page 1)

23 and the original copy shall have a white cover of a

24 substantial material. In sections amending existing

25 statutes, matter to be stricken out shall be indicated with

1 a line through the words or part to be deleted, and new

2 matter shall be underlined. Sections of the Montana Code

3 Annotated repealed or amended in a bill shall be stated in

4 the title, except for general appropriation bills and bills

5 for the codification and general revision of the laws.

6 Introduced bills will be reproduced on white paper and

7 distributed to legislators.

8 6-3. No bill, except general appropriation bills and

9 bills for the codification and general revision of the laws,

10 shall contain more than one subject, which shall be clearly

11 expressed in the title. The enacting clause of every law

12 shall be as follows: "Be it enacted by the legislature of

13 the state of Montana".

14 A bill shall be used to propose amendments to the

15 Constitution of the State of Montana and shall not be

16 subject to the veto of the governor (Montana Constitution,

17 Art. VI, Sec. 10(1)).

18 6-4. All appropriation bills shall originate in the

19 House of Representatives.

20 The general appropriation bills shall embrace nothing

21 but appropriations for the ordinary expenses of the

22 legislative, executive, and judicial branches of state

23 government, interest on public debt, and for public schools.

24 All other appropriations shall be made by separate bills,

25 each embracing but one subject (Montana Constitution, Art.

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

4 6-5. Every statute, unless a different time is
 5 prescribed therein, takes effect on October 1 following its
 6 passage and approval, except one that provides for
 7 appropriation by the legislature of public funds for a
 8 public purpose, which takes effect on July 1 following its
 9 passage and approval unless a different time is prescribed
 10 therein. Every joint resolution, unless a different time is
 11 prescribed therein, takes effect on its passage (Sections
 12 1-2-201 and 1-2-202, MCA).

13 B. Introduction -- Bill Limit

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

- 18 (a) bills requested prior to the convening date of
- 19 each session;
- 20 (b) interim committee bills;
- 21 (c) state agency bills;
- 22 (d) code commissioner bills;
- 23 (e) resolutions;
- 24 (f) standing committee bills;
- 25 (g) appropriation bills; or

1 (h) revenue bills.

2 (2) Bills and joint resolutions will be checked by the
 3 staff of the Legislative Council prior to introduction for
 4 proper format, style, and legal form. Bills will be stored
 5 on the automated bill drafting equipment, printed, and
 6 delivered in triplicate to the requesting legislator. A
 7 stamp shall be affixed to the original bill cover and signed
 8 to indicate Council review. If such stamp is not affixed,
 9 the bill may not be introduced.

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

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

1 of agency or committee)".

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

13 All preintroduced bills will be made available to the
14 public.

15 6-7. The following schedule must be followed for
16 submission of drafting requests and introduction of bills
17 and resolutions.

	Request	Introduction
	Deadline	Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
22 General Bills and Resolutions	10	14
23	(or 2 legislative	
24	days after delivery	
25	if delivery is	

	after 14th day)	
2 Revenue Bills	17	21
3 Committee Bills and Resolutions	36	40
4 Committee Revenue Bills	62	66
5 Appropriation Bills	No deadline	No deadline
6 Interim Study Resolutions	No deadline	No deadline
7 Bills repealing or directing		
8 the amendment or adoption		
9 of Administrative Rules and		
10 Joint Resolutions advising		
11 or requesting the repeal,		
12 amendment, or adoption		
13 of Administrative Rules	No deadline	No deadline
14 6-8. No bill may be introduced or received in a house		
15 after that house has finally rejected a bill during that		
16 session designed to accomplish the same purpose save upon		
17 approval by the rules committee of the house in which the		
18 bill is offered for introduction or reception.		
19 Failure to override a veto does not constitute final		
20 rejection.		
21 6-9. At least three-fourths of a standing committee		
22 must consent to the introduction of a committee bill.		
23 <u>C. First Reading and Referral</u>		
24 6-10. No motion affecting a bill is in order on its		
25 first reading except as provided in Joint Rule 6-6(5).		

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

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

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

12 6-13. A bill may be rereferred at any time before its
 13 passage.

14 D. Amendments and Substitute Bills

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

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

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

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

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

10 6-18. Amendments to a bill by the second house shall
 11 not be further amended by the house in which the bill
 12 originated, but must either be accepted or rejected. If the
 13 amendments are rejected, a conference committee may be
 14 requested by the house in which the bill originated. If the
 15 amendments are accepted and the bill is of a type requiring
 16 more than a majority vote for passage, the bill shall again
 17 be placed on third reading in the house of origin. The vote
 18 on third reading after concurrence in amendments is the vote
 19 of the house of origin that must be used to determine if the
 20 required number of votes has been cast.

21 6-19. If a majority of a house adopts a recommendation
 22 for the passage of a bill originating in that house after it
 23 has been returned from a committee with amendments, the bill
 24 shall be reproduced on yellow paper with all amendments
 25 incorporated into the copies. If the bill has been returned

1 from a committee without amendments, only the first sheet
 2 need be reproduced on yellow paper, and the remainder of the
 3 text incorporated by reference to the preceding version of
 4 the entire bill. Bills referred to the bills committee of
 5 the house of origin for reproduction must be reported within
 6 three days unless further time is granted by that house.

7 E. Engrossing and Enrolling

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

22 If a bill is amended by the standing committee or
 23 Committee of the Whole in the second house, the amendments
 24 will be included in a salmon-colored reference bill and
 25 distributed in the second house for third reading

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

5 6-21. When a bill has passed both houses it shall be
 6 enrolled under the direction of the bills committee of the
 7 house of origin. An original and two duplicate printed
 8 copies of the bill shall be enrolled, free from all
 9 corrections and errors, with a margin of two inches at the
 10 top and one inch on each side. In sections amending existing
 11 statutes, new matter shall be underlined and matter stricken
 12 with a line through it shall be omitted. The original and
 13 two copies of the bill shall be red lined. The history of
 14 the bill shall also be enrolled and placed with the bill in
 15 a white manuscript cover, upon which is written the number
 16 of the bill and the title. The Legislative Council staff
 17 shall file a copy of the history with the law library.

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

21 The correctly enrolled bill shall be delivered to the
 22 presiding officer of the house in which the bill originated.
 23 The presiding officer shall sign the original and two copies
 24 of each bill delivered to him not later than the next
 25 legislative day after it has been reported correctly

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

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

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

1 F. Second Reading -- Committee of the Whole

2 6-22. All bills, except consent calendar bills, which
 3 have been reported by a committee, accepted by the house
 4 concerned, and reproduced shall be posted on the calendar
 5 for consideration by Committee of the Whole. The secretary
 6 of the Senate or chief clerk of the House shall record the
 7 time each bill is received and the time the bill is placed
 8 on members' desks. Until the 50th legislative day, one day
 9 must elapse between the time a committee approved bill is
 10 placed on the members' desks and consideration by Committee
 11 of the Whole. Bills shall be arranged on the calendar in
 12 numerical order unless they are companion bills or are
 13 otherwise ordered by the house or Committee of the Whole of
 14 the house concerned.

15 6-23. Every bill considered in Committee of the Whole
 16 shall be read by a summary of its title. Proposed amendments
 17 shall be considered; then the bill shall be considered in
 18 its entirety.

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

1 to the state archives.

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

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

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

- 12 (1) The only motions in order are to:
- 13 (a) amend;
- 14 (b) recommend passage or nonpassage;
- 15 (c) recommend concurrence or nonconcurrence;
- 16 (d) indefinitely postpone;
- 17 (e) pass consideration;
- 18 (f) rise;
- 19 (g) rise and report; or
- 20 (h) rise and report progress and ask leave to sit
21 again.
- 22 (2) The committee may not appoint subcommittees.
- 23 (3) The committee may not punish its members for
24 misconduct, but may report disorder to the house concerned.
- 25 (4) Unless otherwise prescribed by either house before

1 going into Committee of the Whole, a member may speak as
2 often as he is recognized and for as long each time as is
3 allowed in debate in the particular house.

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

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

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

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

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

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

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

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

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

23 (4) If the legislature is not in session when the
24 governor vetoes a bill, he shall return the bill with his
25 reasons therefor to the legislature as provided by law. The

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

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

8 6-31. Upon receipt of a veto message the presiding
9 officer shall read the message. After the reading a member
10 may move that the governor's veto shall be overridden. A
11 vote on the motion shall be determined by roll call. If
12 two-thirds of the members present vote "aye", the veto is
13 overridden. If two-thirds of the members present do not vote
14 "aye", the veto is sustained.

15 6-32. If the governor returns a bill to the originating
16 house with his recommendations for amendment, such house
17 shall reconsider the bill under its rules relating to
18 amendment offered in Committee of the Whole. The bill is
19 then subject to the following procedures:

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

25 (b) If both houses approve the governor's

1 recommendations, the bill shall be returned to the governor
2 for his reconsideration.

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

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

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

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

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

19 6-33. Each house shall transmit to the other with any
20 bill all relevant papers. When a house bill is transmitted
21 from the House of Representatives to the Senate, the
22 secretary of the Senate shall give a dated receipt for the
23 bill to the chief clerk of the House. When a Senate bill is
24 transmitted to the House of Representatives, the chief clerk
25 of the House shall give a dated receipt to the secretary of

1 the Senate.

2 6-34. No bill, except for appropriation bills, revenue
3 bills, and amendments considered by joint committee, need be
4 acted upon (save for reference to a committee by the
5 presiding officer) if transmitted from one house to the
6 other after the 45th legislative day, but shall be held
7 pending in the house to which it is transmitted unless
8 two-thirds of the members present and voting determine that
9 the bill shall be acted upon. Amendments, except to
10 appropriation bills and revenue bills, shall likewise be
11 deferred for consideration if transmitted after the 70th
12 legislative day.

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

15 Revenue bills originating in the Senate shall be
16 transmitted to the House on or before the 50th day, unless
17 two-thirds of the members present and voting in the House
18 determine that the bill may be transmitted after the 50th
19 day. House amendments to such bills shall be transmitted by
20 the House to the Senate on or before the 70th day unless
21 two-thirds of the members present and voting in the Senate
22 determine that such an amendment may be transmitted after
23 the 70th day.

24 Appropriation and revenue bills originating in the
25 House shall be transmitted to the Senate on or before the

1 70th day unless two-thirds of the members present and voting
 2 in the Senate determine that the bill may be transmitted
 3 after the 70th day. Senate amendments to such bills shall
 4 be transmitted by the Senate to the House on or before the
 5 85th legislative day unless two-thirds of the members
 6 present and voting in the House determine that such an
 7 amendment may be transmitted after the 85th day.

8 Interim study resolutions, bills repealing or directing
 9 the amendment or adoption of administrative rules, and joint
 10 resolutions advising or requesting the repeal, amendment, or
 11 adoption of administrative rules may be transmitted at any
 12 time during a session.

13 6-35. When a bill has received its third reading or has
 14 been rejected, the house that considered the bill shall as
 15 soon as possible transmit it to the other house with notice
 16 of its action.

17 I. Fiscal Notes

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

1 by the presiding officer of either house, who shall
 2 determine the need for the note at the time of introduction,
 3 based on the Legislative Council staff recommendation.

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

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

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

22 A fiscal note also may be requested on a bill and on an
 23 amendment by:

- 24 (1) a committee considering the bill, or
- 25 (2) a majority of the members of the house in which

1 the bill is to be considered, at the time of second reading,
2 or

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

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

8 CHAPTER 7

9 Committees

10 7-1. The committee on legislative administration of
11 each house shall consider all matters concerned with
12 seating, mileage and expenses, legislative employees, the
13 control of the legislative property, and the budgeting for
14 and expenditure of appropriations for the operation of the
15 legislature, in cooperation with the Legislative Council
16 staff.

17 7-2. Upon request of any member of the house in which a
18 bill is pending, a standing committee shall submit a written
19 report in triplicate on any bill or matter referred to it
20 within seven days after the request, unless, at the request
21 of the committee and for good cause shown, further time is
22 granted by the house concerned.

23 7-3. If the members of a committee cannot agree on a
24 report, the majority and minority of the committee present
25 at a committee meeting may submit separate reports. Only one

1 minority report may be submitted. Such reports shall be
2 entered at length on the journal, unless otherwise ordered
3 by the house concerned.

4 7-4. All committees, JOINT COMMITTEES, and
5 subcommittees shall keep minutes of their meetings and--at
6 THE CHAIRMAN OF EACH SUCH COMMITTEE MUST DESIGNATE A
7 SECRETARY TO TAKE AND TRANSCRIBE MINUTES. THE CHAIRMAN MUST
8 AUTHENTICATE THE MINUTES BY HIS SIGNATURE. AT the close of
9 the session, shall-make-an-original-and-two-complete--copies
10 and THE CHAIRMAN shall turn the original AND TWO COMPLETE
11 COPIES of the minutes over to the chief clerk of the House
12 or secretary of the Senate for--delivery. THE ORIGINAL
13 MINUTES SHALL BE DELIVERED to the historical society. The
14 Legislative Council and the law library shall each be given
15 one copy of the minutes.

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

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

1 shall be held upon call of the chairman of the House
2 committee on appropriations who shall be chairman of the
3 joint committee.

4 7-7. The chairman of each committee has general control
5 and direction of the hall and committee room of the
6 committee over which he presides, subject to the control of
7 the presiding officer under Rule 1-3. Except as provided in
8 Joint Rule 7-6, the chairman of the Senate committee shall
9 be chairman of all joint committees.

10 7-8. If either house requests a conference and appoints
11 a committee for the purpose of discussing an amendment on
12 which the Senate and the House of Representatives cannot
13 agree, the other house shall appoint a committee for the
14 same purpose. The time and place of all conference
15 committee meetings shall be agreed upon by their chairman
16 and be announced from the rostrum. This announcement is in
17 order at any time. Failure to make this announcement shall
18 not affect the validity of the legislation. The conference
19 committees, having conferred, shall report to their
20 respective houses the result of their conference. A
21 conference committee shall confine itself to the disputed
22 amendment.

23 If either house requests a free conference committee
24 and the other house concurs, appointments will be made the
25 same as above. A free conference committee may discuss a

1 bill in its entirety and is not confined to a particular
2 amendment.

3 7-9. In joint committees other than conference
4 committees, members vote individually and not by houses.
5 Because conference committees are joint meetings of separate
6 committees, in conference committees the committees from
7 each house vote separately. A majority of each committee
8 must agree before any action may be taken unless otherwise
9 specified by individual house rules.

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

13 When a conference committee report is filed with the
14 secretary of the Senate or chief clerk of the House of
15 Representatives, the same shall be read under Order of
16 Business No. 3, select committees, and placed on the
17 calendar for consideration on second reading. If recommended
18 favorably by the Committee of the Whole, it may be
19 considered on third reading the same legislative day. On
20 the final legislative day a conference committee report
21 shall be placed on the calendar for immediate consideration
22 on second reading and shall be further considered on third
23 reading the same legislative day. If a conference committee
24 report is adopted on third reading and the bill is of a type
25 requiring more than a majority vote for passage, the bill

1 shall again be placed on third reading in each house. This
2 third reading vote must be used to determine if the required
3 number of votes has been cast.

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

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

14 CHAPTER 8

15 Rules and Journal

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

20 8-2. The proceedings of each house which shall be
21 entered on its journal include:

- 22 (1) the number of each bill when it is introduced and
23 subsequently considered;
24 (2) every motion and the name of the member making it;
25 (3) proposed constitutional amendments which have been

1 voted for by two-thirds of the members (Montana
2 Constitution, Art. XIV, Sec. 8);

3 (4) committee reports;

4 (5) roll call votes;

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

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

8 The title of each bill shall be listed in the index of
9 the permanent journals.

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

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

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

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

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

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

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

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

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

1 is established for the legislative proceedings:

2 One complete set of the proceedings of any regular
3 session, \$400; an additional \$150 is required for mailing.

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

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

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

17 CHAPTER 9

18 Voting Procedure

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

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

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

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

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

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

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

22 (2) If an electronic voting system is used, the signal
 23 shall be sounded after the question is stated and then the
 24 presiding officer shall state "Those in favor vote yes and
 25 those opposed vote no." After a reasonable pause the

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

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

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

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

1 on adopting an adverse committee report and on those motions
 2 made in Committee of the Whole referred to in Joint Rule
 3 5-26(1)(a) through (d). A roll call vote shall be taken on
 4 nonsubstantive questions on the request of two members, who
 5 may likewise on any vote, request that the ayes and noes be
 6 spread upon the journal. Roll call votes and other votes
 7 which are to be made public but are not specifically
 8 required to be spread upon the journal shall be entered in
 9 the minutes of the appropriate committee or of the
 10 appropriate house and a copy of such minutes shall be filed
 11 with the Montana state historical society (Montana
 12 Constitution, Art. V, Sec. 11(2)).

13 CHAPTER 10

14 Consent Calendar

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

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

1 consent calendar.

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

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

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

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

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

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

23 CHAPTER 11

24 Statement of Legislative Intent

25 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 stored on ALTER, printed, and reproduced on paper
 21 of the same color and in the same manner as the bill, and
 22 shall be attached to the bill. The statement shall be
 23 reproduced on paper of the same color as the bill and
 24 attached to the bill on all subsequent reproductions of the
 25 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 but amends
 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-

1 SENATE JOINT RESOLUTION NO. 3
2 INTRODUCED BY VAN VALKENBURG, RAMIREZ, HARPER, STEPHENS
3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT JOINT RULES
6 TO GOVERN THEIR PROCEEDINGS.

7
8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
9 OF REPRESENTATIVES OF THE STATE OF MONTANA:

10 That the following joint rules be 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
25 decorum, and in case of disturbance or disorderly conduct,

THIRD READING-SECOND PRINTING
The amendments in SJR 3 are
on P. 34 & 35 only. Please refer
first printing blue for entire
content.



1 the Senate.

2 6-34. No bill, except for appropriation bills, revenue
3 bills, and amendments considered by joint committee, need be
4 acted upon (save for reference to a committee by the
5 presiding officer) if transmitted from one house to the
6 other after the 45th legislative day, but shall be held
7 pending in the house to which it is transmitted unless
8 two-thirds of the members present and voting determine that
9 the bill shall be acted upon. Amendments, except to
10 appropriation bills and revenue bills, shall likewise be
11 deferred for consideration if transmitted after the 70th
12 legislative day.

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

15 ~~Revenue--bills--originating--in--the--Senate--shall--be~~
16 ~~transmitted--to--the--House--on--or--before--the--50th--day,--unless~~
17 ~~two-thirds--of--the--members--present--and--voting--in--the--House~~
18 ~~determine--that--the--bill--may--be--transmitted--after--the--50th~~
19 ~~day,--House--amendments--to--such--bills--shall--be--transmitted--by~~
20 ~~the--House--to--the--Senate--on--or--before--the--70th--day--unless~~
21 ~~two-thirds--of--the--members--present--and--voting--in--the--Senate~~
22 ~~determine--that--such--an--amendment--may--be--transmitted--after~~
23 ~~the--70th--day-~~

24 Appropriation and revenue bills originating--in--the
25 House shall be transmitted to-the-Senate FROM THE ORIGINAL

1 HOUSE on or before the 70th day unless two-thirds of the
2 members present and voting in the Senate RECEIVING HOUSE
3 determine that the bill may be transmitted after the 70th
4 day. ~~Senate-amendments-to-such-bills-shall--be--transmitted~~
5 ~~by-the-Senate-to-the-House-on-or-before-the-85th-legislative~~
6 ~~day--unless--two-thirds-of-the-members-present-and-voting-in~~
7 ~~the--House--determine--that--such--an--amendment---may---be~~
8 ~~transmitted-after-the-85th-day-~~

9 Interim study resolutions, bills repealing or directing
10 the amendment or adoption of administrative rules, and joint
11 resolutions advising or requesting the repeal, amendment, or
12 adoption of administrative rules may be transmitted at any
13 time during a session.

14 6-35. When a bill has received its third reading or has
15 been rejected, the house that considered the bill shall as
16 soon as possible transmit it to the other house with notice
17 of its action.

18 I. Fiscal Notes

19 6-36. All bills reported out of a committee of the
20 legislature having an effect on the revenues, expenditures,
21 or fiscal liability of the state, except appropriation
22 measures carrying specific dollar amounts, shall include a
23 fiscal note incorporating an estimate of such effect. The
24 Legislative Council staff shall indicate at the top of each
25 bill prepared for introduction that a fiscal note may be

STANDING COMMITTEE REPORT

January 17 19 85

Page 1 of 2

MR. SPEAKER

We, your committee on RULES

having had under consideration SENATE JOINT RESOLUTION ~~HW~~ No. 3

Third Reading reading copy (blue) Second Printing
color

TO ADOPT JOINT RULES

Respectfully report as follows: That SENATE JOINT RESOLUTION ~~HW~~ No. 3

Be amended, as follows:

- Page 34, line 23.
Following: line 23
Insert: "Revenue bills originating in the Senate shall be transmitted to the House on or before the 50th day, unless two-thirds of the members present and voting in the House determine that the bill may be transmitted after the 50th day. House amendments to such bills shall be transmitted by the House to the Senate on or before the 70th day unless two-thirds of the members present and voting in the Senate determine that such an amendment may be transmitted after the 70th day."

- Page 34, line 25.
Following: "House"
Insert: "originating in the House"

~~REPAIR~~

Re 1/17

January 17 19 85

Page 2 of 2

- Page 34, line 25 through line 1 on page 35.
Strike: "FROM THE ORIGINAL HOUSE"
Insert: "to the Senate"
- Page 35, line 2.
Following: "Senate"
Strike: "RECEIVING HOUSE"
Insert: "Senate"
- Page 35, line 8.
Following: "~~day~~"
Insert: "Senate amendments to such bills shall be transmitted by the Senate to the House on or before the 85th legislative day unless two-thirds of the members present and voting in the House determine that such an amendment may be transmitted after the 85th day."

And as amended
DO PASS

KMS
to 1/17

Jack Ramirez
Jack Ramirez Chairman

SENATE JOINT RESOLUTION NO. 3

INTRODUCED BY VAN VALKENBURG, RAMIREZ, HARPER, STEPHENS

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

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

That the following joint rules be adopted:

CHAPTER 1

Presiding Officer - Decorum,

Order and Debate

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

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

may order the galleries or lobbies to be cleared.

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

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

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

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

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



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

7 1-8. The presiding officer of each house shall sign all
 8 subpoenas approved or issued by the house over which he
 9 presides.

10 1-9. (1) A communication or paper shall be addressed to
 11 the presiding officer and shall bear the name of the person
 12 submitting it. When the reading of a paper is called for and
 13 a member objects, it shall be determined by a vote of the
 14 house without debate. This subsection does not apply to
 15 bills or to communications from the governor or the other
 16 house.

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

22 1-10. When the presiding officer is presiding, he shall
 23 vote as any other member and may not vote a second time.

CHAPTER 2

Meetings, Quorums, and Attendance

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

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

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

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

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

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

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

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

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

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

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

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

23 CHAPTER 3

24 Legislative Employees

25 3-1. The legislature shall prescribe the compensation

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

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

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

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

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

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

1 other papers;

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

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

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

11 3-6. Journal clerks, bill clerks, typists, and other
12 employees responsible for legislative functions, except
13 secretaries for standing or special committees, secretaries
14 to presiding officers, and secretaries to majority and
15 minority floor leaders, are immediately responsible to the
16 secretary of the Senate or the chief clerk of the House,
17 subject to the general supervision of the presiding officer.

18 ALL STAFF EMPLOYED JOINTLY SHALL BE APPOINTED BY THE JOINT
19 LEGISLATIVE ADMINISTRATION COMMITTEES.

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

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

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

7 (i) errors in spelling

8 (ii) errors in numbering sections

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

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

13 The secretary of the Senate or chief clerk of the House
14 and the sponsor of the bill or amendment shall be notified
15 in writing of the clerical correction. An objection to the
16 correction may be registered by the secretary of the Senate,
17 chief clerk of the House, or sponsor by filing it in writing
18 within 24 hours after receipt of the notice.

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

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

1 are to:

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

4 (b) execute commands and serve all processes;

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

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

11 3-10. The duty of the chaplain of each house is to open
12 each day's session with a prayer.

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

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

25 Qualifications for legislative interns are specified in

1 Title 5, chapter 6, MCA.

2 3-12. An employee, legislative aide, or legislative
3 intern of either house is prohibited from lobbying as
4 defined in Section 5-7-102(1), MCA. However, such person may
5 testify before a committee of either house on the request of
6 the committee. Any person violating this rule shall be
7 discharged.

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

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

19 The Council staff shall prepare payrolls for
20 certification and signature by the presiding officer and
21 prepare a monthly financial report and distribute the report
22 to legislative leaders in each house and to members of the
23 Senate committee on finance and claims and House committee
24 on appropriations.

25 3-15. Contracts for purchase or lease of equipment and

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

7 CHAPTER 4

8 Order of Business

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

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

24 To revert to or pass to a new order of business
 25 requires only a majority vote. Unless otherwise specified in

1 the motion to recess, the house involved shall revert to
 2 Order of Business No. 1 when reconvening after a recess.

3 CHAPTER 5

4 Motions

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

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

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

23 A question may be indefinitely postponed by a majority
 24 roll call vote of all members present and voting. When a
 25 bill or resolution is postponed indefinitely, it is finally

1 rejected and may not be acted upon again during the biennium
2 except upon a motion of reconsideration made pursuant to
3 Rule 5-4.

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

7 5-4. Any member may, on the day the vote was taken or
8 on the next day the house in which the action was taken is
9 in session, move to reconsider the question. A motion to
10 reconsider may not be withdrawn after such next legislative
11 day without the unanimous consent of the house concerned,
12 and thereafter any member may call it up for consideration;
13 however, a motion to reconsider made after the 54th day of
14 the session shall be disposed of when made. A motion to
15 recall a bill from the other house constitutes notice to
16 reconsider and shall be acted on as a motion to reconsider.
17 A motion to reconsider or to recall a bill from the other
18 house may be made only under Order of Business No. 6 and
19 under that order of business takes precedence over all
20 motions except motions to recess or adjourn.

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

25 5-6. (1) Except as provided in subsection (2) of this

1 rule, the effect of moving the previous question, if
2 adopted, is to close debate immediately, to prevent the
3 moving of amendments or other subsidiary motions, and to
4 bring to vote promptly the immediately pending main question
5 and the adhering subsidiary motions, whether on appeal or
6 otherwise.

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

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

16 5-8. The following motions are not debatable:

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

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

16 CHAPTER 6

17 Bills and Resolutions

18 A. Form of Bills -- Definition of Resolutions -- General 19 Provisions

20 6-1. The only types of instruments other than bills
 21 which may be introduced in either house of the legislature
 22 are as follows:

23 (1) A simple resolution is a formalized motion passed
 24 by one house only and bears the heading "House Resolution"
 25 or "Senate Resolution". It may be used only to adopt or

1 amend the rules of one house, to make recommendations
 2 concerning the districting and apportionment plan as
 3 provided by Article V, section 14, subsection (3), of the
 4 Montana Constitution, or to provide for the internal affairs
 5 of the house adopting it. It does not require three readings
 6 or a roll call vote. A member offering a simple resolution
 7 may read it in his place before introduction. When a simple
 8 resolution has been introduced, it shall be referred to a
 9 committee. Final action shall be taken on the Committee of
 10 the Whole report. The transmittal of copies of simple
 11 resolutions is the responsibility of the chief clerk or
 12 secretary of the house of origin.

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

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

- 18 (a) express desire, opinion, sympathy, or request of
 19 the legislature;
 20 (b) request an interim study by a legislative
 21 subcommittee;
 22 (c) adopt or amend the joint rules;
 23 (d) set salaries and other terms of employment for
 24 Legislative employees;
 25 (e) approve construction of a state building under

1 section 18-2-102 or 20-25-302, MCA;

2 (f) deal with disasters and emergencies under Title

3 10, specifically as provided in sections 10-3-302(3),

4 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

5 (g) submit a negotiated settlement under section

6 39-31-305(3), MCA;

7 (h) declare or terminate an energy emergency under

8 section 90-4-310, MCA;

9 (i) ratify or propose amendments to the United States

10 Constitution; or

11 (j) advise or request the repeal, amendment, or

12 adoption of a rule in the Administrative Rules of Montana.

13 Except as otherwise provided in these rules or the

14 Constitution of the State of Montana, a joint resolution is

15 treated in all respects as a bill.

16 A copy of every joint resolution is to be transmitted

17 after adoption to the secretary of state by the secretary of

18 the Senate or chief clerk of the House.

19 6-2. All bill drafting requests shall require a

20 legislative sponsor. Bills shall be printed on paper with

21 numbered lines and shall be introduced in triplicate. Bills

22 shall be numbered at the foot of each page (except page 1)

23 and the original copy shall have a white cover of a

24 substantial material. In sections amending existing

25 statutes, matter to be stricken out shall be indicated with

1 a line through the words or part to be deleted, and new

2 matter shall be underlined. Sections of the Montana Code

3 Annotated repealed or amended in a bill shall be stated in

4 the title, except for general appropriation bills and bills

5 for the codification and general revision of the laws.

6 Introduced bills will be reproduced on white paper and

7 distributed to legislators.

8 6-3. No bill, except general appropriation bills and

9 bills for the codification and general revision of the laws,

10 shall contain more than one subject, which shall be clearly

11 expressed in the title. The enacting clause of every law

12 shall be as follows: "Be it enacted by the legislature of

13 the state of Montana".

14 A bill shall be used to propose amendments to the

15 Constitution of the State of Montana and shall not be

16 subject to the veto of the governor (Montana Constitution,

17 Art. VI, Sec. 10(1)).

18 6-4. All appropriation bills shall originate in the

19 House of Representatives.

20 The general appropriation bills shall embrace nothing

21 but appropriations for the ordinary expenses of the

22 legislative, executive, and judicial branches of state

23 government, interest on public debt, and for public schools.

24 All other appropriations shall be made by separate bills,

25 each embracing but one subject (Montana Constitution, Art.

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

4 6-5. Every statute, unless a different time is
5 prescribed therein, takes effect on October 1 following its
6 passage and approval, except one that provides for
7 appropriation by the legislature of public funds for a
8 public purpose, which takes effect on July 1 following its
9 passage and approval unless a different time is prescribed
10 therein. Every joint resolution, unless a different time is
11 prescribed therein, takes effect on its passage (Sections
12 1-2-201 and 1-2-202, MCA).

13 B. Introduction -- Bill Limit

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

18 (a) bills requested prior to the convening date of
19 each session;

20 (b) interim committee bills;

21 (c) state agency bills;

22 (d) code commissioner bills;

23 (e) resolutions;

24 (f) standing committee bills;

25 (g) appropriation bills; or

1 (h) revenue bills.

2 (2) Bills and joint resolutions will be checked by the
3 staff of the Legislative Council prior to introduction for
4 proper format, style, and legal form. Bills will be stored
5 on the automated bill drafting equipment, printed, and
6 delivered in triplicate to the requesting legislator. A
7 stamp shall be affixed to the original bill cover and signed
8 to indicate Council review. If such stamp is not affixed,
9 the bill may not be introduced.

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

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

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

13 All preintroduced bills will be made available to the
 14 public.

15 6-7. The following schedule must be followed for
 16 submission of drafting requests and introduction of bills
 17 and resolutions.

	Request	Introduction
	Deadline	Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
22 General Bills and Resolutions	10	14
23	(or 2 legislative	
24	days after delivery	
25	if delivery is	

	after 14th day)	
2 Revenue Bills	17	21
3 Committee Bills and Resolutions	36	40
4 Committee Revenue Bills	62	66
5 Appropriation Bills	No deadline	No deadline
6 Interim Study Resolutions	No deadline	No deadline
7 Bills repealing or directing		
8 the amendment or adoption		
9 of Administrative Rules and		
10 Joint Resolutions advising		
11 or requesting the repeal,		
12 amendment, or adoption		
13 of Administrative Rules	No deadline	No deadline
14 6-8. No bill may be introduced or received in a house		
15 after that house has finally rejected a bill during that		
16 session designed to accomplish the same purpose save upon		
17 approval by the rules committee of the house in which the		
18 bill is offered for introduction or reception.		
19 Failure to override a veto does not constitute final		
20 rejection.		
21 6-9. At least three-fourths of a standing committee		
22 must consent to the introduction of a committee bill.		
23 <u>C. First Reading and Referral</u>		
24 6-10. No motion affecting a bill is in order on its		
25 first reading except as provided in Joint Rule 6-6(5).		

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

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

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

12 6-13. A bill may be rereferred at any time before its
 13 passage.

14 D. Amendments and Substitute Bills

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

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

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

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

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

10 6-18. Amendments to a bill by the second house shall
 11 not be further amended by the house in which the bill
 12 originated, but must either be accepted or rejected. If the
 13 amendments are rejected, a conference committee may be
 14 requested by the house in which the bill originated. If the
 15 amendments are accepted and the bill is of a type requiring
 16 more than a majority vote for passage, the bill shall again
 17 be placed on third reading in the house of origin. The vote
 18 on third reading after concurrence in amendments is the vote
 19 of the house of origin that must be used to determine if the
 20 required number of votes has been cast.

21 6-19. If a majority of a house adopts a recommendation
 22 for the passage of a bill originating in that house after it
 23 has been returned from a committee with amendments, the bill
 24 shall be reproduced on yellow paper with all amendments
 25 incorporated into the copies. If the bill has been returned

1 from a committee without amendments, only the first sheet
 2 need be reproduced on yellow paper, and the remainder of the
 3 text incorporated by reference to the preceding version of
 4 the entire bill. Bills referred to the bills committee of
 5 the house of origin for reproduction must be reported within
 6 three days unless further time is granted by that house.

7 E. Engrossing and Enrolling

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

22 If a bill is amended by the standing committee or
 23 Committee of the Whole in the second house, the amendments
 24 will be included in a salmon-colored reference bill and
 25 distributed in the second house for third reading

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

5 6-21. When a bill has passed both houses it shall be
 6 enrolled under the direction of the bills committee of the
 7 house of origin. An original and two duplicate printed
 8 copies of the bill shall be enrolled, free from all
 9 corrections and errors, with a margin of two inches at the
 10 top and one inch on each side. In sections amending existing
 11 statutes, new matter shall be underlined and matter stricken
 12 with a line through it shall be omitted. The original and
 13 two copies of the bill shall be red lined. The history of
 14 the bill shall also be enrolled and placed with the bill in
 15 a white manuscript cover, upon which is written the number
 16 of the bill and the title. The Legislative Council staff
 17 shall file a copy of the history with the law library.

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

21 The correctly enrolled bill shall be delivered to the
 22 presiding officer of the house in which the bill originated.
 23 The presiding officer shall sign the original and two copies
 24 of each bill delivered to him not later than the next
 25 legislative day after it has been reported correctly

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

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

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

1 F. Second Reading -- Committee of the Whole

2 6-22. All bills, except consent calendar bills, which
 3 have been reported by a committee, accepted by the house
 4 concerned, and reproduced shall be posted on the calendar
 5 for consideration by Committee of the Whole. The secretary
 6 of the Senate or chief clerk of the House shall record the
 7 time each bill is received and the time the bill is placed
 8 on members' desks. Until the 50th legislative day, one day
 9 must elapse between the time a committee approved bill is
 10 placed on the members' desks and consideration by Committee
 11 of the Whole. Bills shall be arranged on the calendar in
 12 numerical order unless they are companion bills or are
 13 otherwise ordered by the house or Committee of the Whole of
 14 the house concerned.

15 6-23. Every bill considered in Committee of the Whole
 16 shall be read by a summary of its title. Proposed amendments
 17 shall be considered; then the bill shall be considered in
 18 its entirety.

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

1 to the state archives.

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

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

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

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

13 (a) amend;

14 (b) recommend passage or nonpassage;

15 (c) recommend concurrence or nonconcurrence;

16 (d) indefinitely postpone;

17 (e) pass consideration;

18 (f) rise;

19 (g) rise and report; or

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

22 (2) The committee may not appoint subcommittees.

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

25 (4) Unless otherwise prescribed by either house before

1 going into Committee of the Whole, a member may speak as
2 often as he is recognized and for as long each time as is
3 allowed in debate in the particular house.

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

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

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

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

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

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

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

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

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

23 (4) If the legislature is not in session when the
24 governor vetoes a bill, he shall return the bill with his
25 reasons therefor to the legislature as provided by law. The

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

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

8 6-31. Upon receipt of a veto message the presiding
9 officer shall read the message. After the reading a member
10 may move that the governor's veto shall be overridden. A
11 vote on the motion shall be determined by roll call. If
12 two-thirds of the members present vote "aye", the veto is
13 overridden. If two-thirds of the members present do not vote
14 "aye", the veto is sustained.

15 6-32. If the governor returns a bill to the originating
16 house with his recommendations for amendment, such house
17 shall reconsider the bill under its rules relating to
18 amendment offered in Committee of the Whole. The bill is
19 then subject to the following procedures:

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

25 (b) If both houses approve the governor's

1 recommendations, the bill shall be returned to the governor
2 for his reconsideration.

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

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

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

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

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

19 6-33. Each house shall transmit to the other with any
20 bill all relevant papers. When a house bill is transmitted
21 from the House of Representatives to the Senate, the
22 secretary of the Senate shall give a dated receipt for the
23 bill to the chief clerk of the House. When a Senate bill is
24 transmitted to the House of Representatives, the chief clerk
25 of the House shall give a dated receipt to the secretary of

1 the Senate.

2 6-34. No bill, except for appropriation bills, revenue
3 bills, and amendments considered by joint committee, need be
4 acted upon (save for reference to a committee by the
5 presiding officer) if transmitted from one house to the
6 other after the 45th legislative day, but shall be held
7 pending in the house to which it is transmitted unless
8 two-thirds of the members present and voting determine that
9 the bill shall be acted upon. Amendments, except to
10 appropriation bills and revenue bills, shall likewise be
11 deferred for consideration if transmitted after the 70th
12 legislative day.

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

15 ~~Revenue bills originating in the Senate shall be~~
16 ~~transmitted to the House on or before the 50th day, unless~~
17 ~~two-thirds of the members present and voting in the House~~
18 ~~determine that the bill may be transmitted after the 50th~~
19 ~~day. House amendments to such bills shall be transmitted by~~
20 ~~the House to the Senate on or before the 70th day unless~~
21 ~~two-thirds of the members present and voting in the Senate~~
22 ~~determine that such an amendment may be transmitted after~~
23 ~~the 70th day.~~

24 REVENUE BILLS ORIGINATING IN THE SENATE SHALL BE
25 TRANSMITTED TO THE HOUSE ON OR BEFORE THE 50TH DAY, UNLESS

1 TWO-THIRDS OF THE MEMBERS PRESENT AND VOTING IN THE HOUSE
 2 DETERMINE THAT THE BILL MAY BE TRANSMITTED AFTER THE 50TH
 3 DAY. HOUSE AMENDMENTS TO SUCH BILLS SHALL BE TRANSMITTED BY
 4 THE HOUSE TO THE SENATE ON OR BEFORE THE 70TH DAY UNLESS
 5 TWO-THIRDS OF THE MEMBERS PRESENT AND VOTING IN THE SENATE
 6 DETERMINE THAT SUCH AN AMENDMENT MAY BE TRANSMITTED AFTER
 7 THE 70TH DAY.

8 Appropriation and revenue bills originating--in-the
 9 House ORIGINATING IN THE HOUSE shall be transmitted to--the
 10 Senate FROM--THE--ORIGINAL--HOUSE TO THE SENATE on or before
 11 the 70th day unless two-thirds of the members present and
 12 voting in the Senate RECEIVING-HOUSE SENATE determine that
 13 the bill may be transmitted after the 70th day. Senate
 14 ~~amendments--to-such-bills-shall-be-transmitted-by-the-Senate~~
 15 ~~to-the-House-on-or-before-the-85th--legislative--day--unless~~
 16 ~~two-thirds--of--the--members-present-and-voting-in-the-House~~
 17 ~~determine-that-such-an-amendment-may--be--transmitted--after~~
 18 ~~the--85th--day.~~ SENATE AMENDMENTS TO SUCH BILLS SHALL BE
 19 TRANSMITTED BY THE SENATE TO THE HOUSE ON OR BEFORE THE 85TH
 20 LEGISLATIVE DAY UNLESS TWO-THIRDS OF THE MEMBERS PRESENT AND
 21 VOTING IN THE HOUSE DETERMINE THAT SUCH AN AMENDMENT MAY BE
 22 TRANSMITTED AFTER THE 85TH DAY.

23 Interim study resolutions, bills repealing or directing
 24 the amendment or adoption of administrative rules, and joint
 25 resolutions advising or requesting the repeal, amendment, or

1 adoption of administrative rules may be transmitted at any
 2 time during a session.

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

7 I. Fiscal Notes

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

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

1 A completed fiscal note shall be submitted by the
 2 budget director to the presiding officer who requested it,
 3 who shall refer it to the committee considering the bill.
 4 All fiscal notes shall be reproduced and placed on the
 5 members' desks.

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

12 A fiscal note also may be requested on a bill and on an
 13 amendment by:

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

19 The budget director shall make available on request to
 20 any member of the legislature all background information
 21 used in developing a fiscal note (Title 5, chapter 4, part
 22 2, MCA).

23 CHAPTER 7

24 Committees

25 7-1. The committee on legislative administration of

1 each house shall consider all matters concerned with
 2 seating, mileage and expenses, legislative employees, the
 3 control of the legislative property, and the budgeting for
 4 and expenditure of appropriations for the operation of the
 5 legislature, in cooperation with the Legislative Council
 6 staff.

7 7-2. Upon request of any member of the house in which a
 8 bill is pending, a standing committee shall submit a written
 9 report in triplicate on any bill or matter referred to it
 10 within seven days after the request, unless, at the request
 11 of the committee and for good cause shown, further time is
 12 granted by the house concerned.

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

19 7-4. All committees, JOINT COMMITTEES, and
 20 subcommittees shall keep minutes of their meetings ~~and~~at
 21 THE CHAIRMAN OF EACH SUCH COMMITTEE MUST DESIGNATE A
 22 SECRETARY TO TAKE AND TRANSCRIBE MINUTES. THE CHAIRMAN MUST
 23 AUTHENTICATE THE MINUTES BY HIS SIGNATURE. AT the close of
 24 the session, ~~shall make an original and two complete copies~~
 25 and THE CHAIRMAN shall turn the original AND TWO COMPLETE

1 COPIES of the minutes over to the chief clerk of the House
 2 or secretary of the Senate ~~for--delivery.~~ THE ORIGINAL
 3 MINUTES SHALL BE DELIVERED to the historical society. The
 4 Legislative Council and the law library shall each be given
 5 one copy of the minutes.

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

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

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

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

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

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

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

25 7-10. Conference committee reports must give clerical

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

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

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

25 7-12. A committee block scheduling system will be

1 implemented in the Senate and House of Representatives. The
2 schedule will be coordinated between houses and will be
3 adjusted according to the legislature's work load.

4 CHAPTER 8

5 Rules and Journal

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

10 8-2. The proceedings of each house which shall be
11 entered on its journal include:

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

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

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

18 (4) committee reports;

19 (5) roll call votes;

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

21 (7) an entry of the oath taken by the members (Sec.
22 5-2-214, MCA).

23 The title of each bill shall be listed in the index of
24 the permanent journals.

25 8-3. The bills and journal committee of each house

1 shall supply the Legislative Council with the contents of
2 the daily journal to be stored on an automated system,
3 examine its journal, distribute a daily journal to all
4 legislators, order correction of any errors, and report each
5 legislative day immediately after roll call.

6 8-4. The journal of the Senate must be authenticated by
7 the signature of the president, and the journal of the House
8 of Representatives, by the signature of the speaker. The
9 distribution of the completed journals shall be made by the
10 Legislative Council (Sec. 5-11-201 through 5-11-203, MCA).

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

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

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

24 8-6. Mason's Manual of Legislative Procedure governs
25 the proceedings of the Senate and House of Representatives

1 in all cases not covered by these rules.

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

14 8-8. Pursuant to the authority established in Sections
15 5-11-211 through 5-11-214, MCA, the following fee schedule
16 is established for the legislative proceedings:

17 One complete set of the proceedings of any regular
18 session, \$400; an additional \$150 is required for mailing.

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

21 Single copies of bills, resolutions, amendments, status
22 sheets, or other documents may be purchased according to the
23 length of the document as follows:

- 24 1-5 pages.....\$.25
- 25 6-15 pages.....\$.50

1	16-40 pages.....	\$1.00
2	41-100 pages.....	\$1.50
3	101-200 pages.....	\$2.00
4	Over 200 pages.....	\$4.00
5	Copies of enacted bills.....	cost of
6		reproduction.

CHAPTER 9

Voting Procedure

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

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

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

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

9-5. A roll call vote shall be taken on the request of

two members, if the request occurs before the vote is taken.

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

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

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

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

1 9-9. An agreement to pair must be in writing and dated
 2 and signed by the members agreeing to be bound, and must
 3 specify the duration of the pair. When an agreement to pair
 4 is filed with the secretary of the Senate or chief clerk of
 5 the House of Representatives, it shall bind the members
 6 signing until the expiration of time for which it was
 7 signed, unless the paired members sooner appear and ask that
 8 the agreement be cancelled.

9 9-10. Every vote of each member of the legislature on
 10 each substantive question in the legislature, in any
 11 committee, or in Committee of the Whole shall be recorded
 12 and made public. On final passage of any bill or joint
 13 resolution the vote shall be taken by ayes and noes and the
 14 names entered on the journal. Roll call votes shall be
 15 taken by ayes and noes and the names entered on the journal
 16 on adopting an adverse committee report and on those motions
 17 made in Committee of the Whole referred to in Joint Rule
 18 6-26(1)(a) through (d). A roll call vote shall be taken on
 19 nonsubstantive questions on the request of two members, who
 20 may likewise on any vote, request that the ayes and noes be
 21 spread upon the journal. Roll call votes and other votes
 22 which are to be made public but are not specifically
 23 required to be spread upon the journal shall be entered in
 24 the minutes of the appropriate committee or of the
 25 appropriate house and a copy of such minutes shall be filed

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

CHAPTER 10

Consent Calendar

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

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

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

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

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

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

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

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

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

13 CHAPTER 11

14 Statement of Legislative Intent

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

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

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

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

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

19 11-4. Modification. Any committee subsequently
20 considering the bill may amend a previous statement. The
21 statement of intent will be reflected in the history of the
22 bill.

23 11-5. Conference committee on intent only. When the
24 second house concurs in a bill without amendments but amends
25 or supersedes a previous statement of intent, the bill may

1 not be enrolled until both houses have agreed on a statement
2 of intent. If the statement is attached to a bill that does
3 not statutorily require one, the conference committee can
4 delete the statement in its entirety.

5 A new statement of intent written by the second house
6 will be processed in the same manner as a second house
7 amendment.

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

-End-

CONFERENCE COMMITTEE REPORT

Report No. 1
Feb 4
January 319 85

MR. PRESIDENT

We, your NEW FREE Conference Committee on

Senate Joint Resolution 3

met and considered Senate Joint Resolution 3 (reference copy-salmon) ;
and House Rules Committee amendments of 1-17-85.

We recommend as follows: That the Senate accede to all House Rules Committee amendments of 1-17-85;

That SJR 3 be further amended as follows:

- 1) Page 34, line 25.
Strike: "50TH"
Insert: "60th"
- 2) Page 35, line 2.
Strike: "50TH"
Insert: "60th"

And that this Conference Committee report be adopted.

FOR THE SENATE

Van Valkenburg
Van Valkenburg, Chair

Christiaens
Christiaens

St. Stephens
Stephens

FOR THE HOUSE

Ramirez
Ramirez, Chair

Marks
Marks

Harper
Harper

ADOPT REJECT

Report accepted

imp

1 SENATE JOINT RESOLUTION NO. 3

2 INTRODUCED BY VAN VALKENBURG, RAMIREZ, HARPER, STEPHENS

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT JOINT RULES
6 TO GOVERN THEIR PROCEEDINGS.7
8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
9 OF REPRESENTATIVES OF THE STATE OF MONTANA:

10 That the following joint rules be 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
25 decorum, and in case of disturbance or disorderly conduct,

1 may order the galleries or lobbies to be cleared.

2 1-3. The presiding officer of each house has general
3 control and direction of the hall, chamber, rooms, passages,
4 and corridors of the house over which he presides. Reporters
5 on assignment in either house are subject to placement by
6 the presiding officer.7 1-4. The presiding officer of each house shall decide
8 all questions of order, subject to an appeal by any member
9 seconded by two other members. No member may speak more than
10 once on an appeal without the consent of a majority of the
11 house of which he is a member.12 1-5. When a member desires to speak he shall rise and
13 address the presiding officer and, being recognized, shall
14 speak standing in his place unless the presiding officer
15 grants permission to speak from some other place on the
16 floor. When two or more members rise at the same time the
17 presiding officer shall name the member who is to speak
18 first.19 1-6. When a member has been called to order, he shall
20 sit down until the presiding officer determines whether he
21 is in order or not. If the member is called to order for
22 words spoken in debate, the language excepted to shall be
23 taken down in writing by the chief clerk or secretary.24 1-7. Questions of privilege are: first, those affecting
25 the collective rights, safety, dignity, and integrity of the

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

7 1-8. The presiding officer of each house shall sign all
8 subpoenas approved or issued by the house over which he
9 presides.

10 1-9. (1) A communication or paper shall be addressed to
11 the presiding officer and shall bear the name of the person
12 submitting it. When the reading of a paper is called for and
13 a member objects, it shall be determined by a vote of the
14 house without debate. This subsection does not apply to
15 bills or to communications from the governor or the other
16 house.

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

22 1-10. When the presiding officer is presiding, he shall
23 vote as any other member and may not vote a second time.

1 CHAPTER 2

2 Meetings, Quorums, and Attendance

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

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

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

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

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

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

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

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

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

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

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

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

23 CHAPTER 3

24 Legislative Employees

25 3-1. The legislature shall prescribe the compensation

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

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

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

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

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

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

1 other papers;

2 (b) supervise the making and examination of the

3 journal and the handling of bills and resolutions;

4 (c) deliver to the secretary of state at the close of

5 each session the journal, bill books, and resolution books,

6 and all copies of introduced bills and joint resolutions;

7 (d) collect from the chairmen or secretaries of all

8 standing committees, special committees, and conference

9 committees the minutes of such committees and deliver them

10 to the state historical society. (See Rule 7-4)

11 3-6. Journal clerks, bill clerks, typists, and other

12 employees responsible for legislative functions, except

13 secretaries for standing or special committees, secretaries

14 to presiding officers, and secretaries to majority and

15 minority floor leaders, are immediately responsible to the

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

17 subject to the general supervision of the presiding officer.

18 ALL STAFF EMPLOYED JOINTLY SHALL BE APPOINTED BY THE JOINT

19 LEGISLATIVE ADMINISTRATION COMMITTEES.

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

21 are:

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

23 within 48 hours after they have been received, unless

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

25 officer of the house in which the bill originated;

1 (b) to correct clerical errors, absent the objection

2 of the sponsor of a bill or amendment and the secretary of

3 the Senate or chief clerk of the House of Representatives,

4 in any bill or amendment originating in the house by which

5 they are employed. Clerical errors such as the following

6 may be corrected:

7 (i) errors in spelling

8 (ii) errors in numbering sections

9 (iii) adding or deleting underlining or lines through

10 matter to be stricken

11 (iv) material copied incorrectly from the Montana Code

12 Annotated.

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

14 and the sponsor of the bill or amendment shall be notified

15 in writing of the clerical correction. An objection to the

16 correction may be registered by the secretary of the Senate,

17 chief clerk of the House, or sponsor by filing it in writing

18 within 24 hours after receipt of the notice.

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

20 thereof so designated by the chairman may be the principal

21 sponsor for the purpose of this section. When a committee

22 has proposed an amendment, the chairman is the principal

23 sponsor for the purpose of this section.

24 3-8. (1) The sergeants-at-arms are responsible to the

25 presiding officers of their respective houses. Their duties

1 are to:

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

4 (b) execute commands and serve all processes;

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

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

11 3-10. The duty of the chaplain of each house is to open
12 each day's session with a prayer.

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

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

25 Qualifications for legislative interns are specified in

1 Title 5, chapter 6, MCA.

2 3-12. An employee, legislative aide, or legislative
3 intern of either house is prohibited from lobbying as
4 defined in Section 5-7-102(1), MCA. However, such person may
5 testify before a committee of either house on the request of
6 the committee. Any person violating this rule shall be
7 discharged.

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

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

19 The Council staff shall prepare payrolls for
20 certification and signature by the presiding officer and
21 prepare a monthly financial report and distribute the report
22 to legislative leaders in each house and to members of the
23 Senate committee on finance and claims and House committee
24 on appropriations.

25 3-15. Contracts for purchase or lease of equipment and

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

7 CHAPTER 4

8 Order of Business

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

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

24 To revert to or pass to a new order of business
 25 requires only a majority vote. Unless otherwise specified in

1 the motion to recess, the house involved shall revert to
 2 Order of Business No. 1 when reconvening after a recess.

3 CHAPTER 5

4 Motions

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

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

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

23 A question may be indefinitely postponed by a majority
 24 roll call vote of all members present and voting. When a
 25 bill or resolution is postponed indefinitely, it is finally

1 rejected and may not be acted upon again during the biennium
2 except upon a motion of reconsideration made pursuant to
3 Rule 5-4.

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

7 5-4. Any member may, on the day the vote was taken or
8 on the next day the house in which the action was taken is
9 in session, move to reconsider the question. A motion to
10 reconsider may not be withdrawn after such next legislative
11 day without the unanimous consent of the house concerned,
12 and thereafter any member may call it up for consideration;
13 however, a motion to reconsider made after the 54th day of
14 the session shall be disposed of when made. A motion to
15 recall a bill from the other house constitutes notice to
16 reconsider and shall be acted on as a motion to reconsider.
17 A motion to reconsider or to recall a bill from the other
18 house may be made only under Order of Business No. 6 and
19 under that order of business takes precedence over all
20 motions except motions to recess or adjourn.

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

25 5-6. (1) Except as provided in subsection (2) of this

1 rule, the effect of moving the previous question, if
2 adopted, is to close debate immediately, to prevent the
3 moving of amendments or other subsidiary motions, and to
4 bring to vote promptly the immediately pending main question
5 and the adhering subsidiary motions, whether on appeal or
6 otherwise.

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

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

16 5-8. The following motions are not debatable:

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

1 (10) to divide a question
 2 (11) to pass business in Committee of the Whole
 3 (12) to take from the table
 4 (13) a decision of the presiding officer, unless
 5 appealed or unless he submits the question to the house for
 6 advice or decision

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

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

13 5-10. No more than one amendment and no more than one
 14 substitute motion may be made to a motion. This rule permits
 15 the main motion and two modifying motions.

16 CHAPTER 6

17 Bills and Resolutions

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

20 6-1. The only types of instruments other than bills
 21 which may be introduced in either house of the legislature
 22 are as follows:

23 (1) A simple resolution is a formalized motion passed
 24 by one house only and bears the heading "House Resolution"
 25 or "Senate Resolution". It may be used only to adopt or

1 amend the rules of one house, to make recommendations
 2 concerning the districting and apportionment plan as
 3 provided by Article V, section 14, subsection (3), of the
 4 Montana Constitution, or to provide for the internal affairs
 5 of the house adopting it. It does not require three readings
 6 or a roll call vote. A member offering a simple resolution
 7 may read it in his place before introduction. When a simple
 8 resolution has been introduced, it shall be referred to a
 9 committee. Final action shall be taken on the Committee of
 10 the Whole report. The transmittal of copies of simple
 11 resolutions is the responsibility of the chief clerk or
 12 secretary of the house of origin.

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

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

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

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

22 (c) adopt or amend the joint rules;

23 (d) set salaries and other terms of employment for
 24 Legislative employees;

25 (e) approve construction of a state building under

1 section 18-2-102 or 20-25-302, MCA;
 2 (f) deal with disasters and emergencies under Title
 3 10, specifically as provided in sections 10-3-302(3),
 4 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;
 5 (g) submit a negotiated settlement under section
 6 39-31-305(3), MCA;
 7 (h) declare or terminate an energy emergency under
 8 section 90-4-310, MCA;
 9 (i) ratify or propose amendments to the United States
 10 Constitution; or
 11 (j) advise or request the repeal, amendment, or
 12 adoption of a rule in the Administrative Rules of Montana.
 13 Except as otherwise provided in these rules or the
 14 Constitution of the State of Montana, a joint resolution is
 15 treated in all respects as a bill.
 16 A copy of every joint resolution is to be transmitted
 17 after adoption to the secretary of state by the secretary of
 18 the Senate or chief clerk of the House.
 19 6-2. All bill drafting requests shall require a
 20 legislative sponsor. Bills shall be printed on paper with
 21 numbered lines and shall be introduced in triplicate. Bills
 22 shall be numbered at the foot of each page (except page 1)
 23 and the original copy shall have a white cover of a
 24 substantial material. In sections amending existing
 25 statutes, matter to be stricken out shall be indicated with

1 a line through the words or part to be deleted, and new
 2 matter shall be underlined. Sections of the Montana Code
 3 Annotated repealed or amended in a bill shall be stated in
 4 the title, except for general appropriation bills and bills
 5 for the codification and general revision of the laws.
 6 Introduced bills will be reproduced on white paper and
 7 distributed to legislators.
 8 6-3. No bill, except general appropriation bills and
 9 bills for the codification and general revision of the laws,
 10 shall contain more than one subject, which shall be clearly
 11 expressed in the title. The enacting clause of every law
 12 shall be as follows: "Be it enacted by the legislature of
 13 the state of Montana".
 14 A bill shall be used to propose amendments to the
 15 Constitution of the State of Montana and shall not be
 16 subject to the veto of the governor (Montana Constitution,
 17 Art. VI, Sec. 10(1)).
 18 6-4. All appropriation bills shall originate in the
 19 House of Representatives.
 20 The general appropriation bills shall embrace nothing
 21 but appropriations for the ordinary expenses of the
 22 legislative, executive, and judicial branches of state
 23 government, interest on public debt, and for public schools.
 24 All other appropriations shall be made by separate bills,
 25 each embracing but one subject (Montana Constitution, Art.

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

4 6-5. Every statute, unless a different time is
5 prescribed therein, takes effect on October 1 following its
6 passage and approval, except one that provides for
7 appropriation by the legislature of public funds for a
8 public purpose, which takes effect on July 1 following its
9 passage and approval unless a different time is prescribed
10 therein. Every joint resolution, unless a different time is
11 prescribed therein, takes effect on its passage (Sections
12 1-2-201 and 1-2-202, MCA).

13 B. Introduction -- Bill Limit

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

- 18 (a) bills requested prior to the convening date of
19 each session;
20 (b) interim committee bills;
21 (c) state agency bills;
22 (d) code commissioner bills;
23 (e) resolutions;
24 (f) standing committee bills;
25 (g) appropriation bills; or

1 (h) revenue bills.

2 (2) Bills and joint resolutions will be checked by the
3 staff of the Legislative Council prior to introduction for
4 proper format, style, and legal form. Bills will be stored
5 on the automated bill drafting equipment, printed, and
6 delivered in triplicate to the requesting legislator. A
7 stamp shall be affixed to the original bill cover and signed
8 to indicate Council review. If such stamp is not affixed,
9 the bill may not be introduced.

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

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

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

13 All preintroduced bills will be made available to the
 14 public.

15 6-7. The following schedule must be followed for
 16 submission of drafting requests and introduction of bills
 17 and resolutions.

	Request	Introduction
	Deadline	Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
22 General Bills and Resolutions	10	14
23	(or 2 legislative	
24	days after delivery	
25	if delivery is	

	after 14th day)	
2 Revenue Bills	17	21
3 Committee Bills and Resolutions	36	40
4 Committee Revenue Bills	62	66
5 Appropriation Bills	No deadline	No deadline
6 Interim Study Resolutions	No deadline	No deadline
7 Bills repealing or directing		
8 the amendment or adoption		
9 of Administrative Rules and		
10 Joint Resolutions advising		
11 or requesting the repeal,		
12 amendment, or adoption		
13 of Administrative Rules	No deadline	No deadline

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

19 Failure to override a veto does not constitute final
 20 rejection.

21 6-9. At least three-fourths of a standing committee
 22 must consent to the introduction of a committee bill.

23 C. First Reading and Referral

24 6-10. No motion affecting a bill is in order on its
 25 first reading except as provided in Joint Rule 6-6(5).

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

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

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

12 6-13. A bill may be rereferred at any time before its
 13 passage.

14 D. Amendments and Substitute Bills

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

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

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

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

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

10 6-18. Amendments to a bill by the second house shall
 11 not be further amended by the house in which the bill
 12 originated, but must either be accepted or rejected. If the
 13 amendments are rejected, a conference committee may be
 14 requested by the house in which the bill originated. If the
 15 amendments are accepted and the bill is of a type requiring
 16 more than a majority vote for passage, the bill shall again
 17 be placed on third reading in the house of origin. The vote
 18 on third reading after concurrence in amendments is the vote
 19 of the house of origin that must be used to determine if the
 20 required number of votes has been cast.

21 6-19. If a majority of a house adopts a recommendation
 22 for the passage of a bill originating in that house after it
 23 has been returned from a committee with amendments, the bill
 24 shall be reproduced on yellow paper with all amendments
 25 incorporated into the copies. If the bill has been returned

1 from a committee without amendments, only the first sheet
 2 need be reproduced on yellow paper, and the remainder of the
 3 text incorporated by reference to the preceding version of
 4 the entire bill. Bills referred to the bills committee of
 5 the house of origin for reproduction must be reported within
 6 three days unless further time is granted by that house.

7 E. Engrossing and Enrolling

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

22 If a bill is amended by the standing committee or
 23 Committee of the Whole in the second house, the amendments
 24 will be included in a salmon-colored reference bill and
 25 distributed in the second house for third reading

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

5 6-21. When a bill has passed both houses it shall be
 6 enrolled under the direction of the bills committee of the
 7 house of origin. An original and two duplicate printed
 8 copies of the bill shall be enrolled, free from all
 9 corrections and errors, with a margin of two inches at the
 10 top and one inch on each side. In sections amending existing
 11 statutes, new matter shall be underlined and matter stricken
 12 with a line through it shall be omitted. The original and
 13 two copies of the bill shall be red lined. The history of
 14 the bill shall also be enrolled and placed with the bill in
 15 a white manuscript cover, upon which is written the number
 16 of the bill and the title. The Legislative Council staff
 17 shall file a copy of the history with the law library.

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

21 The correctly enrolled bill shall be delivered to the
 22 presiding officer of the house in which the bill originated.
 23 The presiding officer shall sign the original and two copies
 24 of each bill delivered to him not later than the next
 25 legislative day after it has been reported correctly

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

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

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

1 F. Second Reading -- Committee of the Whole

2 6-22. All bills, except consent calendar bills, which
 3 have been reported by a committee, accepted by the house
 4 concerned, and reproduced shall be posted on the calendar
 5 for consideration by Committee of the Whole. The secretary
 6 of the Senate or chief clerk of the House shall record the
 7 time each bill is received and the time the bill is placed
 8 on members' desks. Until the 50th legislative day, one day
 9 must elapse between the time a committee approved bill is
 10 placed on the members' desks and consideration by Committee
 11 of the Whole. Bills shall be arranged on the calendar in
 12 numerical order unless they are companion bills or are
 13 otherwise ordered by the house or Committee of the Whole of
 14 the house concerned.

15 6-23. Every bill considered in Committee of the Whole
 16 shall be read by a summary of its title. Proposed amendments
 17 shall be considered; then the bill shall be considered in
 18 its entirety.

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

1 to the state archives.

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

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

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

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

13 (a) amend;

14 (b) recommend passage or nonpassage;

15 (c) recommend concurrence or nonconcurrence;

16 (d) indefinitely postpone;

17 (e) pass consideration;

18 (f) rise;

19 (g) rise and report; or

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

22 (2) The committee may not appoint subcommittees.

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

25 (4) Unless otherwise prescribed by either house before

1 going into Committee of the Whole, a member may speak as
2 often as he is recognized and for as long each time as is
3 allowed in debate in the particular house.

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

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

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

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

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

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

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

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

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

23 (4) If the legislature is not in session when the
24 governor vetoes a bill, he shall return the bill with his
25 reasons therefor to the legislature as provided by law. The

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

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

8 6-31. Upon receipt of a veto message the presiding
9 officer shall read the message. After the reading a member
10 may move that the governor's veto shall be overridden. A
11 vote on the motion shall be determined by roll call. If
12 two-thirds of the members present vote "aye", the veto is
13 overridden. If two-thirds of the members present do not vote
14 "aye", the veto is sustained.

15 6-32. If the governor returns a bill to the originating
16 house with his recommendations for amendment, such house
17 shall reconsider the bill under its rules relating to
18 amendment offered in Committee of the Whole. The bill is
19 then subject to the following procedures:

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

25 (b) If both houses approve the governor's

1 recommendations, the bill shall be returned to the governor
2 for his reconsideration.

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

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

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

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

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

19 6-33. Each house shall transmit to the other with any
20 bill all relevant papers. When a house bill is transmitted
21 from the House of Representatives to the Senate, the
22 secretary of the Senate shall give a dated receipt for the
23 bill to the chief clerk of the House. When a Senate bill is
24 transmitted to the House of Representatives, the chief clerk
25 of the House shall give a dated receipt to the secretary of

1 the Senate.

2 6-34. No bill, except for appropriation bills, revenue
3 bills, and amendments considered by joint committee, need be
4 acted upon (save for reference to a committee by the
5 presiding officer) if transmitted from one house to the
6 other after the 45th legislative day, but shall be held
7 pending in the house to which it is transmitted unless
8 two-thirds of the members present and voting determine that
9 the bill shall be acted upon. Amendments, except to
10 appropriation bills and revenue bills, shall likewise be
11 deferred for consideration if transmitted after the 70th
12 legislative day.

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

15 ~~Revenue--bills--originating--in--the--Senate--shall--be~~
16 ~~transmitted--to--the--House--on--or--before--the--50th--day--unless~~
17 ~~two-thirds--of--the--members--present--and--voting--in--the--House~~
18 ~~determine--that--the--bill--may--be--transmitted--after--the--50th~~
19 ~~day--House--amendments--to--such--bills--shall--be--transmitted--by~~
20 ~~the--House--to--the--Senate--on--or--before--the--70th--day--unless~~
21 ~~two-thirds--of--the--members--present--and--voting--in--the--Senate~~
22 ~~determine--that--such--an--amendment--may--be--transmitted--after~~
23 ~~the--70th--day.~~

24 REVENUE BILLS ORIGINATING IN THE SENATE SHALL BE
25 TRANSMITTED TO THE HOUSE ON OR BEFORE THE 50TH 60TH DAY,

1 UNLESS TWO-THIRDS OF THE MEMBERS PRESENT AND VOTING IN THE
 2 HOUSE DETERMINE THAT THE BILL MAY BE TRANSMITTED AFTER THE
 3 50TH 60TH DAY. HOUSE AMENDMENTS TO SUCH BILLS SHALL BE
 4 TRANSMITTED BY THE HOUSE TO THE SENATE ON OR BEFORE THE 70TH
 5 DAY UNLESS TWO-THIRDS OF THE MEMBERS PRESENT AND VOTING IN
 6 THE SENATE DETERMINE THAT SUCH AN AMENDMENT MAY BE
 7 TRANSMITTED AFTER THE 70TH DAY.

8 Appropriation and revenue bills originating--in--the
 9 House ORIGINATING IN THE HOUSE shall be transmitted to--the
 10 Senate ~~FROM THE ORIGINAL HOUSE TO THE SENATE~~ on or before
 11 the 70th day unless two-thirds of the members present and
 12 voting in the Senate ~~RECEIVING HOUSE~~ SENATE determine that
 13 the bill may be transmitted after the 70th day. Senate
 14 ~~amendments to such bills shall be transmitted by the--Senate~~
 15 ~~to--the--House--on--or--before--the--85th--legislative--day--unless~~
 16 ~~two-thirds-of-the-members-present-and-voting--in--the--House~~
 17 ~~determine--that--such--an--amendment--may--be--transmitted--after~~
 18 ~~the--85th--day.~~ SENATE AMENDMENTS TO SUCH BILLS SHALL BE
 19 TRANSMITTED BY THE SENATE TO THE HOUSE ON OR BEFORE THE 85TH
 20 LEGISLATIVE DAY UNLESS TWO-THIRDS OF THE MEMBERS PRESENT AND
 21 VOTING IN THE HOUSE DETERMINE THAT SUCH AN AMENDMENT MAY BE
 22 TRANSMITTED AFTER THE 85TH DAY.

23 Interim study resolutions, bills repealing or directing
 24 the amendment or adoption of administrative rules, and joint
 25 resolutions advising or requesting the repeal, amendment, or

1 adoption of administrative rules may be transmitted at any
 2 time during a session.

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

7 I. Fiscal Notes

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

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

1 A completed fiscal note shall be submitted by the
2 budget director to the presiding officer who requested it,
3 who shall refer it to the committee considering the bill.
4 All fiscal notes shall be reproduced and placed on the
5 members' desks.

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

12 A fiscal note also may be requested on a bill and on an
13 amendment by:

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

19 The budget director shall make available on request to
20 any member of the legislature all background information
21 used in developing a fiscal note (Title 5, chapter 4, part
22 2, MCA).

23 CHAPTER 7

24 Committees

25 7-1. The committee on legislative administration of

1 each house shall consider all matters concerned with
2 seating, mileage and expenses, legislative employees, the
3 control of the legislative property, and the budgeting for
4 and expenditure of appropriations for the operation of the
5 legislature, in cooperation with the Legislative Council
6 staff.

7 7-2. Upon request of any member of the house in which a
8 bill is pending, a standing committee shall submit a written
9 report in triplicate on any bill or matter referred to it
10 within seven days after the request, unless, at the request
11 of the committee and for good cause shown, further time is
12 granted by the house concerned.

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

19 7-4. All committees, JOINT COMMITTEES, and
20 subcommittees shall keep minutes of their meetings and, ~~at~~
21 THE CHAIRMAN OF EACH SUCH COMMITTEE MUST DESIGNATE A
22 SECRETARY TO TAKE AND TRANSCRIBE MINUTES. THE CHAIRMAN MUST
23 AUTHENTICATE THE MINUTES BY HIS SIGNATURE. AT the close of
24 the session, ~~shall make an original and two complete copies~~
25 and THE CHAIRMAN shall turn the original AND TWO COMPLETE

1 COPIES of the minutes over to the chief clerk of the House
 2 or secretary of the Senate ~~for--delivery.~~ THE ORIGINAL
 3 MINUTES SHALL BE DELIVERED to the historical society. The
 4 Legislative Council and the law library shall each be given
 5 one copy of the minutes.

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

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

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

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

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

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

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

25 7-10. Conference committee reports must give clerical

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

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

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

25 7-12. A committee block scheduling system will be

1 implemented in the Senate and House of Representatives. The
2 schedule will be coordinated between houses and will be
3 adjusted according to the legislature's work load.

4 CHAPTER 8

5 Rules and Journal

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

10 8-2. The proceedings of each house which shall be
11 entered on its journal include:

- 12 (1) the number of each bill when it is introduced and
- 13 subsequently considered;
- 14 (2) every motion and the name of the member making it;
- 15 (3) proposed constitutional amendments which have been
- 16 voted for by two-thirds of the members (Montana
- 17 Constitution, Art. XIV, Sec. 8);
- 18 (4) committee reports;
- 19 (5) roll call votes;
- 20 (6) messages from the governor and the other house;
- 21 (7) an entry of the oath taken by the members (Sec.
- 22 5-2-214, MCA).

23 The title of each bill shall be listed in the index of
24 the permanent journals.

25 8-3. The bills and journal committee of each house

1 shall supply the Legislative Council with the contents of
2 the daily journal to be stored on an automated system,
3 examine its journal, distribute a daily journal to all
4 legislators, order correction of any errors, and report each
5 legislative day immediately after roll call.

6 8-4. The journal of the Senate must be authenticated by
7 the signature of the president, and the journal of the House
8 of Representatives, by the signature of the speaker. The
9 distribution of the completed journals shall be made by the
10 Legislative Council. (Sec. 5-11-201 through 5-11-203, MCA).

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

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

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

24 8-6. Mason's Manual of Legislative Procedure governs
25 the proceedings of the Senate and House of Representatives

1 in all cases not covered by these rules.

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

14 8-8. Pursuant to the authority established in Sections
15 5-11-211 through 5-11-214, MCA, the following fee schedule
16 is established for the legislative proceedings:

17 One complete set of the proceedings of any regular
18 session, \$400; an additional \$150 is required for mailing.

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

21 Single copies of bills, resolutions, amendments, status
22 sheets, or other documents may be purchased according to the
23 length of the document as follows:

- 24 1-5 pages.....\$.25
- 25 6-15 pages.....\$.50

1	16-40 pages.....	\$1.00
2	41-100 pages.....	\$1.50
3	101-200 pages.....	\$2.00
4	Over 200 pages.....	\$4.00
5	Copies of enacted bills.....	cost of
6		reproduction.

CHAPTER 9

Voting Procedure

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

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

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

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

9-5. A roll call vote shall be taken on the request of

two members, if the request occurs before the vote is taken. 9-6. On a roll call vote the names of the members shall be called alphabetically, unless an electronic voting system is used. A member may not vote or change his vote after the decision is announced from the chair. A member may not explain his vote until after the decision is announced from the chair.

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

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

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

1 9-9. An agreement to pair must be in writing and dated
 2 and signed by the members agreeing to be bound, and must
 3 specify the duration of the pair. When an agreement to pair
 4 is filed with the secretary of the Senate or chief clerk of
 5 the House of Representatives, it shall bind the members
 6 signing until the expiration of time for which it was
 7 signed, unless the paired members sooner appear and ask that
 8 the agreement be cancelled.

9 9-10. Every vote of each member of the legislature on
 10 each substantive question in the legislature, in any
 11 committee, or in Committee of the Whole shall be recorded
 12 and made public. On final passage of any bill or joint
 13 resolution the vote shall be taken by ayes and noes and the
 14 names entered on the journal. Roll call votes shall be
 15 taken by ayes and noes and the names entered on the journal
 16 on adopting an adverse committee report and on those motions
 17 made in Committee of the Whole referred to in Joint Rule
 18 6-26(1)(a) through (d). A roll call vote shall be taken on
 19 nonsubstantive questions on the request of two members, who
 20 may likewise on any vote, request that the ayes and noes be
 21 spread upon the journal. Roll call votes and other votes
 22 which are to be made public but are not specifically
 23 required to be spread upon the journal shall be entered in
 24 the minutes of the appropriate committee or of the
 25 appropriate house and a copy of such minutes shall be filed

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

3 CHAPTER 10

4 Consent Calendar

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

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

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

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

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

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

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

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

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

13 CHAPTER 11

14 Statement of Legislative Intent

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

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

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

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

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

19 11-4. Modification. Any committee subsequently
20 considering the bill may amend a previous statement. The
21 statement of intent will be reflected in the history of the
22 bill.

23 11-5. Conference committee on intent only. When the
24 second house concurs in a bill without amendments but amends
25 or supersedes a previous statement of intent, the bill may

1 not be enrolled until both houses have agreed on a statement
2 of intent. If the statement is attached to a bill that does
3 not statutorily require one, the conference committee can
4 delete the statement in its entirety.

5 A new statement of intent written by the second house
6 will be processed in the same manner as a second house
7 amendment.

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

-End-