

SENATE JOINT RESOLUTION NO. 6  
INTRODUCED BY VAN VALKENBURG, HANNAH

IN THE SENATE

JANUARY 8, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON RULES.

JANUARY 9, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 10, 1987                  PRINTING REPORT.

JANUARY 12, 1987                  SECOND READING, DO PASS AS AMENDED.  
  
ON MOTION, RULES SUSPENDED. SJR 6  
PLACED ON THIRD READING THE 7TH  
LEGISLATIVE DAY.  
  
THIRD READING, PASSED.  
  
TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 13, 1987                  INTRODUCED AND REFERRED TO COMMITTEE  
ON RULES.

JANUARY 15, 1987                  COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

JANUARY 17, 1987                  ON MOTION, CONSIDERATION PASSED  
FOR THE DAY.

JANUARY 19, 1987                  ON MOTION, CONSIDERATION PASSED  
FOR THE DAY.

JANUARY 20, 1987                  ON MOTION, CONSIDERATION PASSED  
FOR THE DAY.

JANUARY 21, 1987                  ON MOTION, CONSIDERATION PASSED  
FOR THE DAY.

JANUARY 22, 1987 ON MOTION, CONSIDERATION PASSED FOR THE DAY.

JANUARY 23, 1987 ON MOTION, CONSIDERATION PASSED FOR THE DAY.

JANUARY 24, 1987 ON MOTION, CONSIDERATION PASSED FOR THE DAY.

JANUARY 26, 1987 ON MOTION, CONSIDERATION PASSED UNTIL THE 21ST LEGISLATIVE DAY.

JANUARY 27, 1987 ON MOTION, TAKEN FROM SECOND READING AND REREFERRED TO COMMITTEE ON RULES.

JANUARY 28, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

JANUARY 30, 1987 SECOND READING, CONCURRED IN.

JANUARY 31, 1987 THIRD READING, CONCURRED IN. AYES, 60; NOES, 38.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

FEBRUARY 4, 1987 SECOND READING, AMENDMENTS NOT CONCURRED IN.

FREE CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE HOUSE

FEBRUARY 4, 1987 FREE CONFERENCE COMMITTEE APPOINTED.

IN THE SENATE

MARCH 5, 1987 FREE CONFERENCE COMMITTEE REPORTED.

ON MOTION, RULES SUSPENDED TO ALLOW FREE CONFERENCE COMMITTEE REPORT TO BE PLACED ON SECOND READING THIS DAY.

MARCH 5, 1987

SECOND READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

MARCH 7, 1987

FREE CONFERENCE COMMITTEE  
REPORT ADOPTED.

IN THE SENATE

MARCH 9, 1987

SENT TO ENROLLING.

1 *Senate* JOINT RESOLUTION NO. 6  
2 INTRODUCED BY *Van Valkenburg Hamel*  
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 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF  
9 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 of the House or the  
24 Secretary of the Senate.

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



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

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

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

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

23 1-10. When the presiding officer is presiding, he shall  
 24 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 the House of  
 4 Representatives may be as ordered by the Senate or House.

5 2-2. Lobbying on the floor of the Senate or the House  
 6 of Representatives is prohibited during the session and  
 7 within 1 hour prior to the commencement of a session and  
 8 within 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 3 days or to any  
 15 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 the  
 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 the Chief Clerk of  
23 the House of Representatives are responsible to the  
24 presiding officers of their respective houses. Their duties  
25 are to:

1 (1) have custody of all records, bills, documents, and  
2 other papers;

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

5 (3) deliver to the Secretary of State at the close of  
6 each session the journal, bill books, and resolution books,  
7 and all copies of introduced bills and joint resolutions;

8 (4) collect from the chairmen or secretaries of all  
9 standing committees, special committees, and conference  
10 committees the minutes of such committees and deliver them  
11 to the Montana Historical Society (see Rule 7-4).

12 3-6. Journal clerks, bill clerks, typists, and other  
13 employees responsible for legislative functions (except  
14 secretaries for standing or special committees, secretaries  
15 to presiding officers, and secretaries to majority and  
16 minority floor leaders) are immediately responsible to the  
17 Secretary of the Senate or the Chief Clerk of the House,  
18 subject to the general supervision of the presiding officer.  
19 All staff employed jointly shall be appointed by the Senate  
20 Committee on Legislative Administration and the House  
21 Committee on Legislative Administration/Bills and Journal,  
22 acting jointly:

23 3-7. (1) The duties of the engrossing and enrolling  
24 staff are:

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

1 within 48 hours after they have been received, unless  
2 further time is granted in writing by the presiding officer  
3 of the house in which the bill originated; and

4 (b) to correct clerical errors, absent the objection  
5 of the sponsor of a bill or amendment and the Secretary of  
6 the Senate or the Chief Clerk of the House of  
7 Representatives, in any bill or amendment originating in the  
8 house by which they are employed. Clerical errors such as  
9 the following may be corrected:

10 (i) errors in spelling;

11 (ii) errors in numbering sections;

12 (iii) adding or deleting underlining or lines through  
13 matter to be stricken; and

14 (iv) material copied incorrectly from the Montana Code  
15 Annotated.

16 (2) The Secretary of the Senate or the Chief Clerk of  
17 the House and the sponsor of the bill or amendment shall be  
18 notified in writing of the clerical correction. An objection  
19 to the correction may be registered by the Secretary of the  
20 Senate, Chief Clerk of the House, or sponsor by filing it in  
21 writing within 24 hours after receipt of the notice.

22 (3) When a committee is the sponsor of a bill, any  
23 member thereof so designated by the chairman may be the  
24 principal sponsor for the purpose of this section. When a  
25 committee has proposed an amendment, the chairman is the

1 principal sponsor for the purpose of this section.

2 3-8. The Sergeants-at-Arms are responsible to the  
3 presiding officers of their respective houses. Their duties  
4 are to:

5 (1) maintain order under the direction of the  
6 presiding officer;

7 (2) execute commands and serve all processes;

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

9 3-9. The Assistant Sergeants-at-Arms, doorkeepers,  
10 watchmen, janitors, pages, and other employees responsible  
11 for general housekeeping functions are immediately  
12 responsible to the Sergeant-at-Arms, subject to the general  
13 supervision of the presiding officer.

14 3-10. The duty of the chaplain of each house is to open  
15 each day's session with a prayer.

16 3-11. (1) A legislative aide is a person who has  
17 registered with the Chief Clerk of the House or the  
18 Secretary of the Senate and has been issued a distinctive  
19 identification form, such as a name tag. Such  
20 identification may be issued only upon receiving written  
21 verification from a member that the person is serving him as  
22 an aide. A person may not represent himself to be a  
23 legislative aide unless he carries such identification. The  
24 Sergeants-at-Arms and doorkeepers shall enforce this rule.  
25 Legislative aides must be of legal age unless otherwise

1 approved by the presiding officer.

2 (2) No member may designate more than one aide without  
3 the approval of the Rules Committee of the house involved.

4 (3) Qualifications for legislative interns are  
5 specified in Title 5, chapter 6, MCA.

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

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

20 3-14. (1) The offices of the Legislative Council shall  
21 serve both the Senate and the House of Representatives as  
22 required.

23 (2) The Council staff shall prepare payrolls for  
24 certification and signature by the presiding officer and  
25 prepare a monthly financial report and distribute the report



1 to legislative leaders in each house and to members of the  
2 Senate Committee on Finance and Claims and the House  
3 Committee on Appropriations.

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

#### 11 CHAPTER 4

##### 12 Order of Business

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

- 16 (1) communications and petitions;
- 17 (2) reports of standing committees;
- 18 (3) reports of select committees;
- 19 (4) messages from the Governor;
- 20 (5) messages from the other house;
- 21 (6) motions;
- 22 (7) first reading and commitment of bills;
- 23 (8) second reading of bills (Committee of the Whole);
- 24 (9) third reading of bills and consent calendar bills;
- 25 (10) unfinished business;

1 (11) special orders of the day; and

2 (12) announcement of committee meetings.

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

#### 7 CHAPTER 5

##### 8 Motions

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

14 5-2. (1) When a question is under debate no motion may  
15 be made except the following privileged and subsidiary  
16 motions, which have precedence in the order listed:

- 17 (a) to adjourn;
- 18 (b) for a call of the house;
- 19 (c) to recess;
- 20 (d) question of privilege;
- 21 (e) to lay on the table;
- 22 (f) for the previous question;
- 23 (g) to postpone to a certain day;
- 24 (h) to refer or commit;
- 25 (i) to amend; and

1 (j) to postpone indefinitely.

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

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

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

25 5-5. When a motion to reconsider is laid on the table,

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

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

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

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

20 5-8. The following motions are not debatable:

- 21 (1) to adjourn;  
22 (2) for a call of the house;  
23 (3) to recess;  
24 (4) for parliamentary inquiry;  
25 (5) for suspension of the rules;

- 1 (6) to lay on the table;  
 2 (7) for the previous question;  
 3 (8) to limit, extend the limits of, or to close  
 4 debate;  
 5 (9) to amend an undebatable motion;  
 6 (10) to divide a question;  
 7 (11) to pass business in Committee of the Whole;  
 8 (12) to take from the table;  
 9 (13) a decision of the presiding officer, unless  
 10 appealed or unless he submits the question to the house for  
 11 advice or decision;  
 12 (14) all incidental motions, such as motions relating  
 13 to voting or other questions of a general procedural nature.  
 14 5-9. A member may move to divide a question if it  
 15 includes two or more propositions so distinct in substance  
 16 that if one thing is taken away a substantive question will  
 17 remain.  
 18 5-10. No more than one amendment and no more than one  
 19 substitute motion may be made to a motion. This rule permits  
 20 the main motion and two modifying motions.

## CHAPTER 6

## Bills and Resolutions

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

- 25 6-1. The only types of instruments other than bills

1 which may be introduced in either house of the Legislature  
 2 are as follows:

3 (1) (a) A simple resolution is a formalized motion  
 4 passed by one house only and bears the heading "House  
 5 Resolution" or "Senate Resolution". It may be used only to  
 6 adopt or amend the rules of one house, to make  
 7 recommendations concerning the districting and apportionment  
 8 plan as provided by Article V, section 14, subsection (3),  
 9 of the Montana Constitution, to provide for the internal  
 10 affairs of the house adopting it, or by the Senate to  
 11 express confirmation of appointments. When a simple  
 12 resolution has been introduced, it shall be referred to a  
 13 committee. Final action shall be taken on the Committee of  
 14 the Whole report. The transmittal of copies of simple  
 15 resolutions is the responsibility of the Chief Clerk or  
 16 Secretary of the house of origin.

17 (b) A copy of every simple resolution is to be  
 18 transmitted after adoption to the Secretary of State by the  
 19 Secretary of the Senate or the Chief Clerk of the House.

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

22 (a) express desire, opinion, sympathy, or request of  
 23 the Legislature;

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

1 (c) adopt or amend the joint rules;

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

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

6 (f) deal with disasters and emergencies under Title  
7 10, specifically as provided in sections 10-3-302(3),  
8 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

9 (g) submit a negotiated settlement under section  
10 39-31-305(3), MCA;

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

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

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

17 (3) Except as otherwise provided in these rules or the  
18 Constitution of the State of Montana, a joint resolution is  
19 treated in all respects as a bill.

20 (4) A copy of every joint resolution is to be  
21 transmitted after adoption to the Secretary of State by the  
22 Secretary of the Senate or the Chief Clerk of the House.

23 6-2. All bill drafting requests shall require a  
24 legislative sponsor. Bills shall be printed on paper with  
25 numbered lines and shall be introduced in triplicate. Bills

1 shall be numbered at the foot of each page (except page 1),  
2 and the original copy shall have a white cover of a  
3 substantial material. In sections amending existing  
4 statutes, matter to be stricken out shall be indicated with  
5 a line through the words or part to be deleted, and new  
6 matter shall be underlined. Sections of the Montana Code  
7 Annotated repealed or amended in a bill shall be stated in  
8 the title, except for general appropriation bills and bills  
9 for the codification and general revision of the laws.  
10 Introduced bills will be reproduced on white paper and  
11 distributed to legislators.

12 6-3. (1) No bill, except general appropriation bills  
13 and bills for the codification and general revision of the  
14 laws, shall contain more than one subject, which shall be  
15 clearly expressed in the title. The enacting clause of every  
16 law shall be as follows: "Be it enacted by the Legislature  
17 of the State of Montana".

18 (2) A bill shall be used to propose amendments to the  
19 Constitution of the State of Montana and shall not be  
20 subject to the veto of the Governor (Montana Constitution,  
21 Art. VI, Sec. 10(1)).

22 6-4. (1) All appropriation bills shall originate in  
23 the House of Representatives.

24 (2) The general appropriation bills shall embrace  
25 nothing but appropriations for the ordinary expenses of the

1 Legislative, Executive, and Judicial branches of state  
 2 government, interest on public debt, and for public schools.  
 3 All other appropriations shall be made by separate bills,  
 4 each embracing but one subject (Montana Constitution, Art.  
 5 V, Sec. 11(4)). Appropriation bills for the operation of the  
 6 Legislature shall be introduced by the chairman of the House  
 7 Committee on Appropriations.

8 6-5. Every statute, unless a different time is  
 9 prescribed therein, takes effect on October 1 following its  
 10 passage and approval, except one that provides for  
 11 appropriation by the Legislature of public funds for a  
 12 public purpose, which takes effect on July 1 following its  
 13 passage and approval unless a different time is prescribed  
 14 therein. Every joint resolution, unless a different time is  
 15 prescribed therein, takes effect on its passage (sections  
 16 1-2-201 and 1-2-202, MCA).

17 B. Introduction -- Bill Limit

18 6-6. (1) A legislator may not request more than five  
 19 bills from the Legislative Council, nor may a legislator  
 20 introduce more than five bills. This limit does not apply  
 21 to:

- 22 (a) bills requested prior to the convening date of  
 23 each session;  
 24 (b) code commissioner bills;  
 25 (c) resolutions;

- 1 (d) standing committee bills;  
 2 (e) appropriation bills; or  
 3 (f) revenue bills.

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

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

24 (4) Any bill proposed by a legislative committee or  
 25 introduced by request of an administrative or executive

1 agency or department shall be so indicated following the  
 2 names of the sponsors, "By Request of the ..... (Name  
 3 of agency or committee)".

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

15 (6) All preintroduced bills will be made available to  
 16 the public.

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

	Request Deadline	Introduction Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
1 General Bills and Resolutions	10	14
2		
3		
4		
5		
6		
7		(or 2 legislative
8		days after delivery
9		if delivery is
10		after 14th day)
11 Revenue Bills	17	21
12		
13 Committee Bills and		
14 Resolutions	36	40
15 Committee Revenue Bills		
16	62	66
17 Committee bills implementing		
18 provisions of a		
19 general appropriation act		
20	64	68
21 Appropriation Bills		
22	No deadline	No deadline
23 Interim Study Resolutions		
24	No deadline	No deadline
25 Bills repealing or directing		

1 the amendment or adoption  
2 of Administrative Rules and  
3 Joint Resolutions advising  
4 or requesting the repeal,  
5 amendment, or adoption  
6 of Administrative Rules

No deadline No deadline

8 6-8. (1) No bill may be introduced or received in a  
9 house after that house has finally rejected a bill during  
10 that session designed to accomplish the same purpose save  
11 upon approval by the Rules Committee of the house in which  
12 the bill is offered for introduction or reception.

13 (2) Failure to override a veto does not constitute  
14 final rejection.

15 6-9. At least three-fourths of a standing committee  
16 must consent to the introduction of a committee bill.

17 C. First Reading and Referral

18 6-10. (1) No motion affecting a bill is in order on  
19 its first reading except as provided in Joint Rule 6-6(5).

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

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

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

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

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

9 D. Amendments and Substitute Bills

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

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

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

23 6-17. The proper form of reporting a substitute bill by  
24 a committee is to propose amendments to strike out all of  
25 the bill following the enacting clause and to substitute the

1 new bill, recommending also any necessary changes in the  
2 title. If a committee report recommending a substitute for a  
3 bill originating in the other house is adopted, the  
4 substitute bill shall be printed and reproduced.

5 6-18. Amendments to a bill by the second house shall  
6 not be further amended by the house in which the bill  
7 originated, but must either be accepted or rejected. If the  
8 amendments are rejected, a conference committee may be  
9 requested by the house in which the bill originated. If the  
10 amendments are accepted and the bill is of a type requiring  
11 more than a majority vote for passage, the bill shall again  
12 be placed on third reading in the house of origin. The vote  
13 on third reading after concurrence in amendments is the vote  
14 of the house of origin that must be used to determine if the  
15 required number of votes has been cast.

16 6-19. If a majority of a house adopts a recommendation  
17 for the passage of a bill originating in that house after it  
18 has been returned from a committee with amendments, the bill  
19 shall be reproduced on yellow paper with all amendments  
20 incorporated into the copies. If the bill has been returned  
21 from a committee without amendments, only the first sheet  
22 need be reproduced on yellow paper, and the remainder of the  
23 text incorporated by reference to the preceding version of  
24 the entire bill. Bills referred to the Bills Committee of  
25 the house of origin for reproduction must be reported within

1 3 days unless further time is granted by that house.

2 E. Engrossing and Enrolling

3 6-20. (1) When a bill has been reported favorably by  
4 Committee of the Whole of the house of origin and the report  
5 has been adopted, the bill shall be engrossed under the  
6 direction of the Bills Committee, and when reported  
7 correctly engrossed by the committee shall be placed on the  
8 calendar for third reading on the succeeding legislative  
9 day. Committee of the Whole amendments shall be included in  
10 the engrossed bill. Copies of the engrossed bill to be  
11 distributed to legislators will be reproduced on blue paper.  
12 If a bill is unamended by the Committee of the Whole and  
13 contains no clerical errors, it may be engrossed without  
14 reprinting, and only the first sheet need be reproduced on  
15 blue paper, with the remainder of the text incorporated by  
16 reference to the preceding version of the entire bill.

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

25 6-21. (1) When a bill has passed both houses, it shall



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

13 (2) When the enrolling has been completed, the bill  
 14 shall be examined by the sponsor and the Bills Committee and  
 15 reported correctly enrolled.

16 (3) The correctly enrolled bill shall be delivered to  
 17 the presiding officer of the house in which the bill  
 18 originated. The presiding officer shall sign the original  
 19 and two copies of each bill delivered to him not later than  
 20 the next legislative day after it has been reported  
 21 correctly enrolled, unless the bill is delivered on the last  
 22 legislative day, in which event it shall be signed that day.  
 23 The fact of signing shall be announced by the presiding  
 24 officer and entered upon the journal no later than the next  
 25 legislative day. At any time after the report of a bill

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

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

12 (5) The original and two copies signed by the  
 13 presiding officer of each house shall be presented by the  
 14 Bills Committee to the Governor. The Bills Committee shall  
 15 take a receipt from the Governor and shall report to the  
 16 house the day and hour of such presentation, which shall be  
 17 entered in the journal. The original shall be filed with the  
 18 Secretary of State. Signed copies with chapter numbers  
 19 assigned pursuant to section 5-11-204, MCA, shall be filed  
 20 with the Clerk of the Supreme Court and the Legislative  
 21 Council.

22 F. Second Reading -- Committee of the Whole

23 6-22. All bills, except consent calendar bills, which  
 24 have been reported by a committee, accepted by the house  
 25 concerned, and reproduced shall be posted on the calendar

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

11 6-23. (1) Every bill considered in Committee of the  
 12 Whole shall be read by a summary of its title. Proposed  
 13 amendments shall be considered; then the bill shall be  
 14 considered in its entirety.

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

23 6-24. Prior to adoption of a Committee of the Whole  
 24 report, a member may move to segregate a bill. If the motion  
 25 prevails, the bill remains on second reading.

1 6-25. When a Committee of the Whole report on a bill is  
 2 rejected, the bill shall remain on second reading.

3 6-26. Either house may resolve itself into a Committee  
 4 of the Whole by approval of a motion for that purpose. So  
 5 far as may be applicable, the rules governing each house  
 6 shall be observed when that house resolves itself into a  
 7 Committee of the Whole, except as follows:

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

9 (a) amend;

10 (b) recommend passage or nonpassage;

11 (c) recommend concurrence or nonconcurrence;

12 (d) indefinitely postpone;

13 (e) pass consideration;

14 (f) rise;

15 (g) rise and report; or

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

18 (2) The committee may not appoint subcommittees.

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

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

25 6-27. After a Committee of the Whole has been formed,

1 the presiding officer shall appoint a chairman to preside.  
 2 Upon resuming the chair, the presiding officer shall receive  
 3 the report of the chairman of the committee and the house  
 4 shall take action on the report.

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

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

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

16 6-29. Except for consent calendar bills, every bill  
 17 shall be read three times prior to passage, either by title  
 18 or by summary of title as provided in these rules. The first  
 19 reading shall be as prescribed in Joint Rule 6-10; the  
 20 second prior to debate in Committee of the Whole; and the  
 21 third prior to final passage. No bill shall receive more  
 22 than one reading on the same day except on the last  
 23 legislative day. No amendment may be offered on the third  
 24 reading.

25 6-30. (1) Each bill passed by the Legislature, except

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

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

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

19 (4) If the Legislature is not in session when the  
 20 Governor vetoes a bill, he shall return the bill with his  
 21 reasons therefor to the Legislature as provided by law. The  
 22 Legislature may be polled on a bill approved by two-thirds  
 23 of the members present or reconvened to reconsider any bill  
 24 so vetoed (Montana Constitution, Art. VI, Sec. 10).

25 (5) The Governor may veto items in appropriation

1 bills, and in such instances the procedure shall be the same  
2 as upon veto of an entire bill (Montana Constitution, Art.  
3 VI, Sec. 10).

4 6-31. Upon receipt of a veto message the presiding  
5 officer shall read the message. After the reading a member  
6 may move that the Governor's veto shall be overridden. A  
7 vote on the motion shall be determined by roll call. If  
8 two-thirds of the members present vote "aye", the veto is  
9 overridden. If two-thirds of the members present do not vote  
10 "aye", the veto is sustained.

11 6-32. If the Governor returns a bill to the originating  
12 house with his recommendations for amendment, such house  
13 shall reconsider the bill under its rules relating to  
14 amendment offered in Committee of the Whole. The bill is  
15 then subject to the following procedures:

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

21 (2) If both houses approve the Governor's  
22 recommendations, the bill shall be returned to the Governor  
23 for his reconsideration.

24 (3) If both houses disapprove the Governor's  
25 recommendations, the bill shall be returned to the Governor

1 for his reconsideration.

2 (4) If one house disapproves the Governor's  
3 recommendations and the other house approves, then either  
4 house may request a conference committee which may be a free  
5 conference committee.

6 (a) If both houses adopt a conference committee  
7 report, the bill in accordance with the report shall be  
8 returned to the Governor for his reconsideration.

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

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

15 6-33. Each house shall transmit to the other with any  
16 bill all relevant papers. When a House bill is transmitted  
17 from the House of Representatives to the Senate, the  
18 Secretary of the Senate shall give a dated receipt for the  
19 bill to the Chief Clerk of the House. When a Senate bill is  
20 transmitted to the House of Representatives, the Chief Clerk  
21 of the House shall give a dated receipt to the Secretary of  
22 the Senate.

23 6-34. (1) No bill, except for appropriation bills,  
24 revenue bills, or amendments considered by joint committee,  
25 need be acted upon (save for reference to a committee by the

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

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

11 (3) Revenue bills shall be transmitted to the other  
 12 house on or before the 72nd day, unless two-thirds of the  
 13 members present and voting in the House determine that the  
 14 bill may be transmitted after the 72nd day. Amendments to  
 15 such bills shall be transmitted on or before the 81st day  
 16 unless two-thirds of the members present and voting in the  
 17 receiving house determine that such an amendment may be  
 18 transmitted after the 81st day.

19 (4) Appropriation bills and any bill implementing  
 20 provisions of a general appropriation bill shall be  
 21 transmitted to the Senate on or before the 68th day unless  
 22 two-thirds of the members present and voting in the Senate  
 23 determine that the bill may be transmitted after the 68th  
 24 day. Senate amendments to such bills shall be transmitted  
 25 by the Senate to the House on or before the 81st legislative

1 day unless two-thirds of the members present and voting in  
 2 the House determine that such an amendment may be  
 3 transmitted after the 81st day.

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

9 (6) A joint resolution introduced for the purpose of  
 10 estimating revenue available for appropriation by the  
 11 Legislature shall be transmitted not later than the 80th  
 12 day. Amendments to such resolutions shall be transmitted to  
 13 the house of origin not later than the 85th day.

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. (1) 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

1 necessary under this rule. Fiscal notes shall be requested  
2 by the presiding officer of either house, who at the time of  
3 introduction shall determine the need for the note, based on  
4 the Legislative Council staff recommendation.

5 (2) Unless the requestor directs otherwise, the  
6 Legislative Council shall deliver three copies of any bill  
7 for which it has been determined a fiscal note may be  
8 necessary to the Budget Director immediately after the bill  
9 has been delivered to the requestor prepared for  
10 introduction. The Budget Director may proceed with the  
11 preparation of a fiscal note in anticipation of a subsequent  
12 formal request.

13 (3) The state Budget Director, in cooperation with the  
14 agency or agencies affected by the bill, is responsible for  
15 the preparation of the fiscal note and shall return the same  
16 within 6 days, unless further time is granted by the  
17 presiding officer or committee making the request, based  
18 upon a written statement from the Budget Director that  
19 additional time is necessary to properly prepare the note.

20 (4) A completed fiscal note shall be submitted by the  
21 Budget Director to the presiding officer who requested it,  
22 who shall refer it to the committee considering the bill.  
23 All fiscal notes shall be reproduced and placed on the  
24 members' desks.

25 (5) Fiscal notes shall, where possible, show in dollar

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

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

- 8 (a) a committee considering the bill; or  
9 (b) a majority of the members of the house in which  
10 the bill is to be considered, at the time of second reading;  
11 or  
12 (c) the chief sponsor through the presiding officer.

13 (7) The Budget Director shall make available on  
14 request to any member of the Legislature all background  
15 information used in developing a fiscal note (Title 5,  
16 chapter 4, part 2, MCA).

17 6-37. (1) If a sponsor elects to prepare a sponsor's  
18 fiscal note pursuant to 5-4-204, MCA, he shall make the  
19 election as provided in 5-4-204(1)(c), MCA, and return the  
20 completed sponsor's fiscal note to the presiding officer  
21 within 4 days of such election.

22 (2) The presiding officer may grant additional time to  
23 the sponsor to prepare the sponsor's fiscal note.

24 (3) Upon receipt of the completed sponsor's fiscal  
25 note, the presiding officer shall refer it to the committee

1 hearing the bill. If the bill is printed, the note must be  
2 identified as a sponsor's fiscal note, reproduced, and  
3 placed on the members' desks.

4 (4) The Legislative Council shall provide forms for  
5 preparation of sponsors' fiscal notes and shall print the  
6 completed sponsors' fiscal notes on a different color paper  
7 than the fiscal notes prepared by the budget director.

#### 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 7 days after the request, unless, at the request of  
21 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. The  
6 chairman of each such committee must designate a secretary  
7 to take and transcribe minutes. The chairman must  
8 authenticate the minutes by his signature. At the close of  
9 the session, the chairman shall turn the original and two  
10 complete copies of the minutes over to the Chief Clerk of  
11 the House or the Secretary of the Senate. The original  
12 minutes shall be delivered to the Montana Historical  
13 Society. The Legislative Council and the Montana State Law  
14 Library shall each be given one copy of the minutes.

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

20 7-6. (1) All bills providing for an appropriation of  
21 public money may first be considered by a joint committee  
22 composed of the members of the Senate Committee on Finance  
23 and Claims and the House Committee on Appropriations, and  
24 then by each separately. Meetings of the joint committee  
25 shall be held upon call of the chairman of the House

1 Committee on Appropriations, who shall be chairman of the  
2 joint committee.

3 (2) There shall be a joint committee composed of  
4 members of the House and Senate Committees on Taxation. The  
5 joint committee shall consider any resolution introduced for  
6 the purpose of estimating revenue that may be available for  
7 appropriation by the Legislature. The joint committee shall  
8 be composed of three members from each political party in  
9 each house appointed by the chairmen of the respective  
10 Committees on Taxation. Meetings of the joint committee  
11 shall be held upon the call of the chairman of the joint  
12 committee, who shall be a member of the House. The joint  
13 committee shall issue periodic reports to each of the  
14 houses, indicating the committee's current revenue  
15 projections. Such reports shall be issued on the 40th day,  
16 the 63rd day, and the 67th day.

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

23 7-8. (1) If either house requests a conference and  
24 appoints a committee for the purpose of discussing an  
25 amendment on which the Senate and the House of

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

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

17 7-9. In joint committees other than conference  
18 committees, members vote individually and not by houses.  
19 Because conference committees are joint meetings of separate  
20 committees, in conference committees the committees from  
21 each house vote separately. A majority of each committee  
22 must agree before any action may be taken unless otherwise  
23 specified by individual house rules.

24 7-10. (1) Conference committee reports must give  
25 clerical instructions for enrolling by referring to the



1 reference bill version.

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

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

24 7-12. A committee block scheduling system will be  
25 implemented in the Senate and the House of Representatives.

1 The schedule will be coordinated between houses and will be  
2 adjusted according to the Legislature's workload.

### 3 CHAPTER 8

#### 4 Rules and Journal

5 8-1. Each house shall keep a journal of its proceedings  
6 and may, in its discretion, from time to time, publish the  
7 same, and the ayes and noes on any question shall, at the  
8 request of any two members, be entered on the journal.

9 8-2. (1) The proceedings of each house which shall be  
10 entered on its journal include:

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

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

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

17 (d) committee reports;

18 (e) roll call votes;

19 (f) messages from the Governor and the other house;

20 (g) an entry of the oath taken by the members (section  
21 5-2-214, MCA).

22 (2) The title of each bill shall be listed in the  
23 index of the permanent journals.

24 8-3. The Bills and Journal Committee of each house  
25 shall supply the Legislative Council with the contents of

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

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

1 Representatives 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 the House of Representatives. Upon adoption, the  
6 Secretary 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 the 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 (1) One complete set of the proceedings of any regular  
18 session, \$475; an additional \$150 is required for mailing.

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

21 (3) Single copies of bills, resolutions, amendments,  
22 status sheets, or other documents may be purchased according  
23 to the 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 Montana 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 the Chief Clerk  
 5 of 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 Historical Society (Montana Constitution,  
 2 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 1 legislative day before  
 23 consideration under Order of Business No. 11, special orders  
 24 of the day. At that time, the presiding officer will  
 25 announce consideration of the consent calendar and allow

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

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

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

8 (6) Legislation on the consent calendar will be voted  
9 on individually with the roll call vote 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 new rulemaking or licensing authority.

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

13 (3) The statement shall be stored on ALTER, printed,  
14 and reproduced on paper of the same color and in the same  
15 manner as the bill, and shall be attached to the bill. The  
16 statement shall be reproduced on paper of the same color as  
17 the bill and attached to the bill on all subsequent  
18 reproductions of the bill.

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. (1) When  
24 the second house concurs in a bill without amendments but  
25 amends or supersedes a previous statement of intent, the

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

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

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

-End-

APPROVED BY COMMITTEE  
ON RULES

SENATE JOINT RESOLUTION NO. 6

INTRODUCED BY VAN VALKENBURG, HANNAH

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

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 of the House or the Secretary of the Senate.

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



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

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

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

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

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

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CHAPTER 2

Meetings, Quorums, and Attendance

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

2-2. Lobbying on the floor of the Senate or the House  
 of Representatives is prohibited during the session and  
 within 1 hour prior to the commencement of a session and  
 within one-half hour after recess or adjournment.

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

2-4. Neither house shall, without the consent of the  
 other, adjourn or recess for more than 3 days or to any  
 other place than that in which the two houses shall be  
 sitting (Montana Constitution, Art. V, Sec. 10(5)).

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

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

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 the Chief Clerk of  
23 the House of Representatives are responsible to the  
24 presiding officers of their respective houses. Their duties  
25 are to:

1 (1) have custody of all records, bills, documents, and  
2 other papers;

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

5 (3) deliver to the Secretary of State at the close of  
6 each session the journal, bill books, and resolution books,  
7 and all copies of introduced bills and joint resolutions;

8 (4) collect from the chairmen or secretaries of all  
9 standing committees, special committees, and conference  
10 committees the minutes of such committees and deliver them  
11 to the Montana Historical Society (see Rule 7-4).

12 3-6. Journal clerks, bill clerks, typists, and other  
13 employees responsible for legislative functions (except  
14 secretaries for standing or special committees, secretaries  
15 to presiding officers, and secretaries to majority and  
16 minority floor leaders) are immediately responsible to the  
17 Secretary of the Senate or the Chief Clerk of the House,  
18 subject to the general supervision of the presiding officer.  
19 All staff employed jointly shall be appointed by the Senate  
20 Committee on Legislative Administration and the House  
21 Committee on Legislative Administration/Bills and Journal,  
22 acting jointly:

23 3-7. (1) The duties of the engrossing and enrolling  
24 staff are:

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

1 within 48 hours after they have been received, unless  
2 further time is granted in writing by the presiding officer  
3 of the house in which the bill originated; and

4 (b) to correct clerical errors, absent the objection  
5 of the sponsor of a bill or amendment and the Secretary of  
6 the Senate or the Chief Clerk of the House of  
7 Representatives, in any bill or amendment originating in the  
8 house by which they are employed. Clerical errors such as  
9 the following may be corrected:

10 (i) errors in spelling;

11 (ii) errors in numbering sections;

12 (iii) adding or deleting underlining or lines through  
13 matter to be stricken; and

14 (iv) material copied incorrectly from the Montana Code  
15 Annotated.

16 (2) The Secretary of the Senate or the Chief Clerk of  
17 the House and the sponsor of the bill or amendment shall be  
18 notified in writing of the clerical correction. An objection  
19 to the correction may be registered by the Secretary of the  
20 Senate, Chief Clerk of the House, or sponsor by filing it in  
21 writing within 24 hours after receipt of the notice.

22 (3) When a committee is the sponsor of a bill, any  
23 member thereof so designated by the chairman may be the  
24 principal sponsor for the purpose of this section. When a  
25 committee has proposed an amendment, the chairman is the

1 principal sponsor for the purpose of this section.

2 3-8. The Sergeants-at-Arms are responsible to the  
3 presiding officers of their respective houses. Their duties  
4 are to:

5 (1) maintain order under the direction of the  
6 presiding officer;

7 (2) execute commands and serve all processes;

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

9 3-9. The Assistant Sergeants-at-Arms, doorkeepers,  
10 watchmen, janitors, pages, and other employees responsible  
11 for general housekeeping functions are immediately  
12 responsible to the Sergeant-at-Arms, subject to the general  
13 supervision of the presiding officer.

14 3-10. The duty of the chaplain of each house is to open  
15 each day's session with a prayer.

16 3-11. (1) A legislative aide is a person who has  
17 registered with the Chief Clerk of the House or the  
18 Secretary of the Senate and has been issued a distinctive  
19 identification form, such as a name tag. Such  
20 identification may be issued only upon receiving written  
21 verification from a member that the person is serving him as  
22 an aide. A person may not represent himself to be a  
23 legislative aide unless he carries such identification. The  
24 Sergeants-at-Arms and doorkeepers shall enforce this rule.  
25 Legislative aides must be of legal age unless otherwise

1 approved by the presiding officer.

2 (2) No member may designate more than one aide without  
3 the approval of the Rules Committee of the house involved.

4 (3) Qualifications for legislative interns are  
5 specified in Title 5, chapter 6, MCA.

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

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

20 3-14. (1) The offices of the Legislative Council shall  
21 serve both the Senate and the House of Representatives as  
22 required.

23 (2) The Council staff shall prepare payrolls for  
24 certification and signature by the presiding officer and  
25 prepare a monthly financial report and distribute the report

1 to legislative leaders in each house and to members of the  
2 Senate Committee on Finance and Claims and the House  
3 Committee on Appropriations.

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

11 (2) LONG DISTANCE TELEPHONE CALLS MADE WHILE  
12 LEGISLATORS ARE IN SESSION OR IN TRAVEL STATUS ARE  
13 CONSIDERED OFFICIAL LEGISLATIVE BUSINESS AND INCLUDE BUT ARE  
14 NOT LIMITED TO CALLS MADE TO CONSTITUENCIES, PLACES OF  
15 BUSINESS, AND FAMILY. SESSION STAFF, INCLUDING AIDES AND  
16 INTERNS, MAY USE TELEPHONES FOR LONG DISTANCE CALLS ONLY  
17 WHEN SPECIFICALLY AUTHORIZED TO DO SO BY THEIR LEGISLATIVE  
18 SPONSOR OR SUPERVISOR. SPONSORING LEGISLATORS AND  
19 SUPERVISORS ARE ACCOUNTABLE FOR USE OF STATE TELEPHONES BY  
20 THEIR STAFF, INCLUDING AIDES AND INTERNS. MEMBERS MAY NOT  
21 AUTHORIZE OTHERS TO USE STATE PHONES. PERMANENT STAFF OF  
22 THE LEGISLATURE SHALL COMPLY WITH EXECUTIVE BRANCH RULES  
23 APPLYING TO THE USE OF STATE TELEPHONES.

24 CHAPTER 4

25 Order of Business

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

- 4 (1) communications and petitions;  
5 (2) reports of standing committees;  
6 (3) reports of select committees;  
7 (4) messages from the Governor;  
8 (5) messages from the other house;  
9 (6) motions;  
10 (7) first reading and commitment of bills;  
11 (8) second reading of bills (Committee of the Whole);  
12 (9) third reading of bills and consent calendar bills;  
13 (10) unfinished business;  
14 (11) special orders of the day; and  
15 (12) announcement of committee meetings.

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

20 CHAPTER 5

21 Motions

22 5-1. When a motion is made it shall be restated by the  
23 presiding officer and, if requested by the presiding officer  
24 or a member, shall be reduced to writing and read aloud. A  
25 motion may be withdrawn by the member making it at any time

1 before it is amended or voted upon.

2 5-2. (1) When a question is under debate no motion may  
3 be made except the following privileged and subsidiary  
4 motions, which have precedence in the order listed:

- 5 (a) to adjourn;
- 6 (b) for a call of the house;
- 7 (c) to recess;
- 8 (d) question of privilege;
- 9 (e) to lay on the table;
- 10 (f) for the previous question;
- 11 (g) to postpone to a certain day;
- 12 (h) to refer or commit;
- 13 (i) to amend; and
- 14 (j) to postpone indefinitely.

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

21 5-3. No motion or proposition on a subject different  
22 from that under consideration shall be admitted under color  
23 of amendment or substitute.

24 5-4. Any member may, on the day the vote was taken or  
25 on the next day the house in which the action was taken is

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

13 5-5. When a motion to reconsider is laid on the table,  
14 a two-thirds majority is required to take it from the table.  
15 When a motion to reconsider fails, the question is finally  
16 and conclusively settled.

17 5-6. (1) Except as provided in subsection (2) of this  
18 rule, the effect of moving the previous question, if  
19 adopted, is to close debate immediately, to prevent the  
20 moving of amendments or other subsidiary motions, and to  
21 bring to vote promptly the immediately pending main question  
22 and the adhering subsidiary motions, whether on appeal or  
23 otherwise.

24 (2) When the previous question is ordered on any  
25 debatable question on which there has been no debate, the

1 question may be debated for one-half hour, one-half of such  
2 time to be given to the proponents and one-half to the  
3 opponents.

4 5-7. A call of the house is not in order after the  
5 previous question is ordered unless it appears upon an  
6 actual count by the presiding officer that a quorum is not  
7 present.

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

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

1 to voting or other questions of a general procedural nature.

2 5-9. A member may move to divide a question if it  
3 includes two or more propositions so distinct in substance  
4 that if one thing is taken away a substantive question will  
5 remain.

6 5-10. No more than one amendment and no more than one  
7 substitute motion may be made to a motion. This rule permits  
8 the main motion and two modifying motions.

#### 9 CHAPTER 6

#### 10 Bills and Resolutions

#### 11 A. Form of Bills -- Definition of Resolutions -- General 12 Provisions

13 6-1. The only types of instruments other than bills  
14 which may be introduced in either house of the Legislature  
15 are as follows:

- 16 (1) (a) A simple resolution is a formalized motion  
17 passed by one house only and bears the heading "House  
18 Resolution" or "Senate Resolution". It may be used only to  
19 adopt or amend the rules of one house, to make  
20 recommendations concerning the districting and apportionment  
21 plan as provided by Article V, section 14, subsection (3),  
22 of the Montana Constitution, to provide for the internal  
23 affairs of the house adopting it, or by the Senate to  
24 express confirmation of appointments. When a simple  
25 resolution has been introduced, it shall be referred to a

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

5 (b) A copy of every simple resolution is to be  
6 transmitted after adoption to the Secretary of State by the  
7 Secretary of the Senate or the Chief Clerk of the House.

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

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

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

14 (c) adopt or amend the joint rules;

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

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

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

22 (g) submit a negotiated settlement under section  
23 39-31-305(3), MCA;

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

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

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

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

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

11 6-2. All bill drafting requests shall require a  
12 legislative sponsor. Bills shall be printed on paper with  
13 numbered lines and shall be introduced in triplicate. Bills  
14 shall be numbered at the foot of each page (except page 1),  
15 and the original copy shall have a white cover of a  
16 substantial material. In sections amending existing  
17 statutes, matter to be stricken out shall be indicated with  
18 a line through the words or part to be deleted, and new  
19 matter shall be underlined. Sections of the Montana Code  
20 Annotated repealed or amended in a bill shall be stated in  
21 the title, except for general appropriation bills and bills  
22 for the codification and general revision of the laws.  
23 Introduced bills will be reproduced on white paper and  
24 distributed to legislators.

25 6-3. (1) No bill, except general appropriation bills

1 and bills for the codification and general revision of the  
2 laws, shall contain more than one subject, which shall be  
3 clearly expressed in the title. The enacting clause of every  
4 law shall be as follows: "Be it enacted by the Legislature  
5 of the State of Montana".

6 (2) A bill shall be used to propose amendments to the  
7 Constitution of the State of Montana and shall not be  
8 subject to the veto of the Governor (Montana Constitution,  
9 Art. VI, Sec. 10(1)).

10 6-4. (1) All appropriation bills shall originate in  
11 the House of Representatives.

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

21 6-5. Every statute, unless a different time is  
22 prescribed therein, takes effect on October 1 following its  
23 passage and approval, except one that provides for  
24 appropriation by the Legislature of public funds for a  
25 public purpose, which takes effect on July 1 following its

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

5 B. Introduction -- Bill Limit

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

10 (a) bills requested prior to the convening date of  
11 each session;

12 (b) code commissioner bills;

13 (c) resolutions;

14 (d) standing committee bills;

15 (e) appropriation bills; or

16 (f) revenue bills.

17 (2) Bills and joint resolutions will be checked by the  
18 staff of the Legislative Council prior to introduction for  
19 proper format, style, and legal form. Bills will be stored  
20 on the automated bill drafting equipment, printed, and  
21 delivered in triplicate to the requesting legislator. A  
22 stamp shall be affixed to the original bill cover and signed  
23 to indicate Council review. If such stamp is not affixed,  
24 the bill may not be introduced.

25 (3) During a session a bill may be introduced by



1 endorsing it with the name of a member and presenting it to  
 2 the Chief Clerk of the House of Representatives or the  
 3 Secretary of the Senate in triplicate. Bills or joint  
 4 resolutions may be sponsored jointly by Senate and House  
 5 members. A jointly sponsored bill shall be introduced in the  
 6 house in which the legislator whose name appears first on  
 7 the bill is a member. The chief joint sponsor's name shall  
 8 appear immediately to the right of the first sponsor's name.  
 9 Bills, joint resolutions, and simple resolutions shall be  
 10 numbered consecutively in each session of the Legislature in  
 11 separate series in the order of their receipt.

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

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

1 included on the face of the bill following standing  
 2 committee approval.

3 (6) All preintroduced bills will be made available to  
 4 the public.

5 6-7. The following schedule must be followed for  
 6 submission of drafting requests and introduction of bills  
 7 and resolutions.

	Request Deadline	Introduction Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
1 General Bills and Resolutions	10	14
2		
3		
4		
5		
6		
7		
8		
9		
10		
11 Revenue Bills	17	21
12		
13 Committee Bills and		
14 Resolutions	36	40
15 Committee Revenue Bills		
16	62	66
17 Committee bills implementing		
18 provisions of a		
19 general appropriation act		
20	64	68
21 Appropriation Bills		
22	No deadline	No deadline
23 Interim Study Resolutions		
24	No deadline	No deadline
25 Bills repealing or directing		

1 the amendment or adoption  
2 of Administrative Rules and  
3 Joint Resolutions advising  
4 or requesting the repeal,  
5 amendment, or adoption  
6 of Administrative Rules  
7 No deadline No deadline  
8 6-8. (1) No bill may be introduced or received in a  
9 house after that house has finally rejected a bill during  
10 that session designed to accomplish the same purpose save  
11 upon approval by the Rules Committee of the house in which  
12 the bill is offered for introduction or reception.  
13 (2) Failure to override a veto does not constitute  
14 final rejection.  
15 6-9. At least three-fourths of a standing committee  
16 must consent to the introduction of a committee bill.  
17 C. First Reading and Referral  
18 6-10. (1) No motion affecting a bill is in order on  
19 its first reading except as provided in Joint Rule 6-6(5).  
20 (2) Upon introduction or reception of a bill, the  
21 Chief Clerk of the House or the Secretary of the Senate  
22 shall publicly post upon a listing that bill by a summary of  
23 its title in the house of origin and by a summary of its  
24 title and by its history in the second house, together with  
25 a notation of the committee to which it has been assigned,

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

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

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

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

9 D. Amendments and Substitute Bills

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

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

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

23 6-17. The proper form of reporting a substitute bill by  
24 a committee is to propose amendments to strike out all of  
25 the bill following the enacting clause and to substitute the

1 new bill, recommending also any necessary changes in the  
2 title. If a committee report recommending a substitute for a  
3 bill originating in the other house is adopted, the  
4 substitute bill shall be printed and reproduced.

5 6-18. Amendments to a bill by the second house shall  
6 not be further amended by the house in which the bill  
7 originated, but must either be accepted or rejected. If the  
8 amendments are rejected, a conference committee may be  
9 requested by the house in which the bill originated. If the  
10 amendments are accepted and the bill is of a type requiring  
11 more than a majority vote for passage, the bill shall again  
12 be placed on third reading in the house of origin. The vote  
13 on third reading after concurrence in amendments is the vote  
14 of the house of origin that must be used to determine if the  
15 required number of votes has been cast.

16 6-19. If a majority of a house adopts a recommendation  
17 for the passage of a bill originating in that house after it  
18 has been returned from a committee with amendments, the bill  
19 shall be reproduced on yellow paper with all amendments  
20 incorporated into the copies. If the bill has been returned  
21 from a committee without amendments, only the first sheet  
22 need be reproduced on yellow paper, and the remainder of the  
23 text incorporated by reference to the preceding version of  
24 the entire bill. Bills referred to the Bills Committee of  
25 the house of origin for reproduction must be reported within

1 3 days unless further time is granted by that house.

2 E. Engrossing and Enrolling

3 6-20. (1) When a bill has been reported favorably by  
4 Committee of the Whole of the house of origin and the report  
5 has been adopted, the bill shall be engrossed under the  
6 direction of the Bills Committee, and when reported  
7 correctly engrossed by the committee shall be placed on the  
8 calendar for third reading on the succeeding legislative  
9 day. Committee of the Whole amendments shall be included in  
10 the engrossed bill. Copies of the engrossed bill to be  
11 distributed to legislators will be reproduced on blue paper.  
12 If a bill is unamended by the Committee of the Whole and  
13 contains no clerical errors, it may be engrossed without  
14 reprinting, and only the first sheet need be reproduced on  
15 blue paper, with the remainder of the text incorporated by  
16 reference to the preceding version of the entire bill.

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

25 6-21. (1) When a bill has passed both houses, it shall

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

13 (2) When the enrolling has been completed, the bill  
14 shall be examined by the sponsor and the Bills Committee and  
15 reported correctly enrolled.

16 (3) The correctly enrolled bill shall be delivered to  
17 the presiding officer of the house in which the bill  
18 originated. The presiding officer shall sign the original  
19 and two copies of each bill delivered to him not later than  
20 the next legislative day after it has been reported  
21 correctly enrolled, unless the bill is delivered on the last  
22 legislative day, in which event it shall be signed that day.  
23 The fact of signing shall be announced by the presiding  
24 officer and entered upon the journal no later than the next  
25 legislative day. At any time after the report of a bill

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

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

12 (5) The original and two copies signed by the  
13 presiding officer of each house shall be presented by the  
14 Bills Committee to the Governor. The Bills Committee shall  
15 take a receipt from the Governor and shall report to the  
16 house the day and hour of such presentation, which shall be  
17 entered in the journal. The original shall be filed with the  
18 Secretary of State. Signed copies with chapter numbers  
19 assigned pursuant to section 5-11-204, MCA, shall be filed  
20 with the Clerk of the Supreme Court and the Legislative  
21 Council.

22 F. Second Reading -- Committee of the Whole

23 6-22. All bills, except consent calendar bills, which  
24 have been reported by a committee, accepted by the house  
25 concerned, and reproduced shall be posted on the calendar

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

11 6-23. (1) Every bill considered in Committee of the  
12 Whole shall be read by a summary of its title. Proposed  
13 amendments shall be considered; then the bill shall be  
14 considered in its entirety.

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

23 6-24. Prior to adoption of a Committee of the Whole  
24 report, a member may move to segregate a bill. If the motion  
25 prevails, the bill remains on second reading.

1 6-25. When a Committee of the Whole report on a bill is  
2 rejected, the bill shall remain on second reading.

3 6-26. Either house may resolve itself into a Committee  
4 of the Whole by approval of a motion for that purpose. So  
5 far as may be applicable, the rules governing each house  
6 shall be observed when that house resolves itself into a  
7 Committee of the Whole, except as follows:

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

9 (a) amend;

10 (b) recommend passage or nonpassage;

11 (c) recommend concurrence or nonconcurrence;

12 (d) indefinitely postpone;

13 (e) pass consideration;

14 (f) rise;

15 (g) rise and report; or

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

18 (2) The committee may not appoint subcommittees.

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

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

25 6-27. After a Committee of the Whole has been formed,

1 the presiding officer shall appoint a chairman to preside.  
2 Upon resuming the chair, the presiding officer shall receive  
3 the report of the chairman of the committee and the house  
4 shall take action on the report.

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

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

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

16 6-29. Except for consent calendar bills, every bill  
17 shall be read three times prior to passage, either by title  
18 or by summary of title as provided in these rules. The first  
19 reading shall be as prescribed in Joint Rule 6-10; the  
20 second prior to debate in Committee of the Whole; and the  
21 third prior to final passage. No bill shall receive more  
22 than one reading on the same day except on the last  
23 legislative day. No amendment may be offered on the third  
24 reading.

25 6-30. (1) Each bill passed by the Legislature, except

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

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

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

19 (4) If the Legislature is not in session when the  
 20 Governor vetoes a bill, he shall return the bill with his  
 21 reasons therefor to the Legislature as provided by law. The  
 22 Legislature may be polled on a bill approved by two-thirds  
 23 of the members present or reconvened to reconsider any bill  
 24 so vetoed (Montana Constitution, Art. VI, Sec. 10).

25 (5) The Governor may veto items in appropriation

1 bills, and in such instances the procedure shall be the same  
 2 as upon veto of an entire bill (Montana Constitution, Art.  
 3 VI, Sec. 10).

4 6-31. Upon receipt of a veto message the presiding  
 5 officer shall read the message. After the reading a member  
 6 may move that the Governor's veto shall be overridden. A  
 7 vote on the motion shall be determined by roll call. If  
 8 two-thirds of the members present vote "aye", the veto is  
 9 overridden. If two-thirds of the members present do not vote  
 10 "aye", the veto is sustained.

11 6-32. If the Governor returns a bill to the originating  
 12 house with his recommendations for amendment, such house  
 13 shall reconsider the bill under its rules relating to  
 14 amendment offered in Committee of the Whole. The bill is  
 15 then subject to the following procedures:

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

21 (2) If both houses approve the Governor's  
 22 recommendations, the bill shall be returned to the Governor  
 23 for his reconsideration.

24 (3) If both houses disapprove the Governor's  
 25 recommendations, the bill shall be returned to the Governor

1 for his reconsideration.

2 (4) If one house disapproves the Governor's  
3 recommendations and the other house approves, then either  
4 house may request a conference committee which may be a free  
5 conference committee.

6 (a) If both houses adopt a conference committee  
7 report, the bill in accordance with the report shall be  
8 returned to the Governor for his reconsideration.

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

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

15 6-33. Each house shall transmit to the other with any  
16 bill all relevant papers. When a House bill is transmitted  
17 from the House of Representatives to the Senate, the  
18 Secretary of the Senate shall give a dated receipt for the  
19 bill to the Chief Clerk of the House. When a Senate bill is  
20 transmitted to the House of Representatives, the Chief Clerk  
21 of the House shall give a dated receipt to the Secretary of  
22 the Senate.

23 6-34. (1) No bill, except for appropriation bills,  
24 revenue bills, or amendments considered by joint committee,  
25 need be acted upon (save for reference to a committee by the

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

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

11 (3) Revenue bills shall be transmitted to the other  
12 house on or before the 72nd day, unless two-thirds of the  
13 members present and voting in the House determine that the  
14 bill may be transmitted after the 72nd day. Amendments to  
15 such bills shall be transmitted on or before the 81st day  
16 unless two-thirds of the members present and voting in the  
17 receiving house determine that such an amendment may be  
18 transmitted after the 81st day.

19 (4) Appropriation bills and any bill implementing  
20 provisions of a general appropriation bill shall be  
21 transmitted to the Senate on or before the 68th day unless  
22 two-thirds of the members present and voting in the Senate  
23 determine that the bill may be transmitted after the 68th  
24 day. Senate amendments to such bills shall be transmitted  
25 by the Senate to the House on or before the 81st legislative



1 day unless two-thirds of the members present and voting in  
2 the House determine that such an amendment may be  
3 transmitted after the 81st day.

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

9 (6) A joint resolution introduced for the purpose of  
10 estimating revenue available for appropriation by the  
11 Legislature shall be transmitted not later than the 80th  
12 day. Amendments to such resolutions shall be transmitted to  
13 the house of origin not later than the 85th day.

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. (1) 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

1 necessary under this rule. Fiscal notes shall be requested  
2 by the presiding officer of either house, who at the time of  
3 introduction shall determine the need for the note, based on  
4 the Legislative Council staff recommendation.

5 (2) Unless the requestor directs otherwise, the  
6 Legislative Council shall deliver three copies of any bill  
7 for which it has been determined a fiscal note may be  
8 necessary to the Budget Director immediately after the bill  
9 has been delivered to the requestor prepared for  
10 introduction. The Budget Director may proceed with the  
11 preparation of a fiscal note in anticipation of a subsequent  
12 formal request.

13 (3) The state Budget Director, in cooperation with the  
14 agency or agencies affected by the bill, is responsible for  
15 the preparation of the fiscal note and shall return the same  
16 within 6 days, unless further time is granted by the  
17 presiding officer or committee making the request, based  
18 upon a written statement from the Budget Director that  
19 additional time is necessary to properly prepare the note.

20 (4) A completed fiscal note shall be submitted by the  
21 Budget Director to the presiding officer who requested it,  
22 who shall refer it to the committee considering the bill.  
23 All fiscal notes shall be reproduced and placed on the  
24 members' desks.

25 (5) Fiscal notes shall, where possible, show in dollar

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

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

8 (a) a committee considering the bill; or

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

12 (c) the chief sponsor through the presiding officer.

13 (7) The Budget Director shall make available on  
 14 request to any member of the Legislature all background  
 15 information used in developing a fiscal note (Title 5,  
 16 chapter 4, part 2, MCA).

17 6-37. (1) If a sponsor elects to prepare a sponsor's  
 18 fiscal note pursuant to 5-4-204, MCA, he shall make the  
 19 election as provided in 5-4-204(1)(c), MCA, and return the  
 20 completed sponsor's fiscal note to the presiding officer  
 21 within 4 days of such election.

22 (2) The presiding officer may grant additional time to  
 23 the sponsor to prepare the sponsor's fiscal note.

24 (3) Upon receipt of the completed sponsor's fiscal  
 25 note, the presiding officer shall refer it to the committee

1 hearing the bill. If the bill is printed, the note must be  
 2 identified as a sponsor's fiscal note, reproduced, and  
 3 placed on the members' desks.

4 (4) The Legislative Council shall provide forms for  
 5 preparation of sponsors' fiscal notes and shall print the  
 6 completed sponsors' fiscal notes on a different color paper  
 7 than the fiscal notes prepared by the budget director.

#### 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 7 days after the request, unless, at the request of  
 21 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. The  
6 chairman of each such committee must designate a secretary  
7 to take and transcribe minutes. The chairman must  
8 authenticate the minutes by his signature. At the close of  
9 the session, the chairman shall turn the original and two  
10 complete copies of the minutes over to the Chief Clerk of  
11 the House or the Secretary of the Senate. The original  
12 minutes shall be delivered to the Montana Historical  
13 Society. The Legislative Council and the Montana State Law  
14 Library shall each be given one copy of the minutes.

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

20 7-6. (1) All bills providing for an appropriation of  
21 public money may first be considered by a joint committee  
22 composed of the members of the Senate Committee on Finance  
23 and Claims and the House Committee on Appropriations, and  
24 then by each separately. Meetings of the joint committee  
25 shall be held upon call of the chairman of the House

1 Committee on Appropriations, who shall be chairman of the  
2 joint committee.

3 (2) There shall be a joint committee composed of  
4 members of the House and Senate Committees on Taxation. The  
5 joint committee shall consider any resolution introduced for  
6 the purpose of estimating revenue that may be available for  
7 appropriation by the Legislature. The joint committee shall  
8 be composed of three members from each political party in  
9 each house appointed by the chairmen of the respective  
10 Committees on Taxation. Meetings of the joint committee  
11 shall be held upon the call of the chairman of the joint  
12 committee, who shall be a member of the House. The joint  
13 committee shall issue periodic reports to each of the  
14 houses, indicating the committee's current revenue  
15 projections. Such reports shall be issued on the 40th day,  
16 the 63rd day, and the 67th day.

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

23 7-8. (1) If either house requests a conference and  
24 appoints a committee for the purpose of discussing an  
25 amendment on which the Senate and the House of

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

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

17 7-9. In joint committees other than THE RULES AND  
 18 conference committees, members vote individually and not by  
 19 houses. Because THE RULES AND conference committees are  
 20 joint meetings of separate committees, in conference SUCH  
 21 committees the committees from each house vote separately. A  
 22 majority of each committee must agree before any action may  
 23 be taken unless otherwise specified by individual house  
 24 rules.

25 7-10. (1) Conference committee reports must give

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

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

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. (1) The proceedings of each house which shall be  
 11 entered on its journal include:

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

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

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

18 (d) committee reports;

19 (e) roll call votes;

20 (f) messages from the Governor and the other house;

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

23 (2) The title of each bill shall be listed in the  
 24 index of 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. The  
 3 committee shall examine its journal, distribute a daily  
 4 journal to all legislators, order correction of any errors,  
 5 and report each 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 (sections 5-11-201 through 5-11-203,  
 11 MCA).

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

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

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

25 8-6. Mason's Manual of Legislative Procedure governs

1 the proceedings of the Senate and the House of  
2 Representatives in all cases not covered by these rules.

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

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

18 (1) One complete set of the proceedings of any regular  
19 session, \$475; an additional \$150 is required for mailing.

20 (2) One complete set of the proceedings of any special  
21 session, \$25.

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

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

1 6-15 pages.....\$ .50  
2 16-40 pages.....\$1.00  
3 41-100 pages.....\$1.50  
4 101-200 pages.....\$2.00  
5 Over 200 pages.....\$4.00  
6 Copies of enacted bills.....cost of  
7 reproduction.

8 CHAPTER 9

9 Voting Procedure

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

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

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

22 9-4. When a measure requiring the concurrence of  
23 two-thirds of the members is under consideration, a majority  
24 vote is sufficient to decide any question relating to the  
25 measure short of third reading.

1 9-5. A roll call vote shall be taken on the request of  
2 two members, if the request occurs before the vote is taken.

3 9-6. On a roll call vote the names of the members shall  
4 be called alphabetically, unless an electronic voting system  
5 is used. A member may not vote or change his vote after the  
6 decision is announced from the chair. A member may not  
7 explain his vote until after the decision is announced from  
8 the chair.

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

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

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

1 when the vote is taken.

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

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

1 appropriate house and a copy of such minutes shall be filed  
2 with the Montana Historical Society (Montana Constitution,  
3 Art. V, Sec. 11(2)).

4 CHAPTER 10

5 Consent Calendar

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

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

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

21 (3) Legislation shall be immediately posted (as soon  
22 as it is received as a third reading version) on the consent  
23 calendar and must remain there for 1 legislative day before  
24 consideration under Order of Business No. 11, special orders  
25 of the day. At that time, the presiding officer will

1 announce consideration of the consent calendar and allow  
2 "reasonable time" for questions and answers upon request. No  
3 debate will be allowed.

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

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

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

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

14 CHAPTER 11

15 Statement of Legislative Intent

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



1 inappropriate for expression as statutory language.

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

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

9 (1) Statements of intent are required for bills  
10 delegating new rulemaking or licensing authority.

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

14 (3) The statement shall be stored on ALTER, printed,  
15 and reproduced on paper of the same color and in the same  
16 manner as the bill, and shall be attached to the bill. The  
17 statement shall be reproduced on paper of the same color as  
18 the bill and attached to the bill on all subsequent  
19 reproductions of the bill.

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

24 11-5. Conference committee on intent only. (i) When  
25 the second house concurs in a bill without amendments but

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

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

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

-End-

SENATE JOINT RESOLUTION NO. 6

INTRODUCED BY VAN VALKENBURG, HANNAH

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

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 of the House or the Secretary of the Senate.

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



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

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

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

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

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

## CHAPTER 2

## Meetings, Quorums, and Attendance

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

2-2. Lobbying on the floor of the Senate or the House  
 of Representatives is prohibited during the session and  
 within 1 hour prior to the commencement of a session and  
 within one-half hour after recess or adjournment.

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

2-4. Neither house shall, without the consent of the  
 other, adjourn or recess for more than 3 days or to any  
 other place than that in which the two houses shall be  
 sitting (Montana Constitution, Art. V, Sec. 10(5)).

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

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

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 the Chief Clerk of  
23 the House of Representatives are responsible to the  
24 presiding officers of their respective houses. Their duties  
25 are to:

1 (1) have custody of all records, bills, documents, and  
2 other papers;

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

5 (3) deliver to the Secretary of State at the close of  
6 each session the journal, bill books, and resolution books,  
7 and all copies of introduced bills and joint resolutions;

8 (4) collect from the chairmen or secretaries of all  
9 standing committees, special committees, and conference  
10 committees the minutes of such committees and deliver them  
11 to the Montana Historical Society (see Rule 7-4).

12 3-6. Journal clerks, bill clerks, typists, and other  
13 employees responsible for legislative functions (except  
14 secretaries for standing or special committees, secretaries  
15 to presiding officers, and secretaries to majority and  
16 minority floor leaders) are immediately responsible to the  
17 Secretary of the Senate or the Chief Clerk of the House,  
18 subject to the general supervision of the presiding officer.  
19 All staff employed jointly shall be appointed by the Senate  
20 Committee on Legislative Administration and the House  
21 Committee on Legislative Administration/Bills and Journal,  
22 acting jointly.

23 3-7. (1) The duties of the engrossing and enrolling  
24 staff are:

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

1 within 48 hours after they have been received, unless  
2 further time is granted in writing by the presiding officer  
3 of the house in which the bill originated; and

4 (b) to correct clerical errors, absent the objection  
5 of the sponsor of a bill or amendment and the Secretary of  
6 the Senate or the Chief Clerk of the House of  
7 Representatives, in any bill or amendment originating in the  
8 house by which they are employed. Clerical errors such as  
9 the following may be corrected:

10 (i) errors in spelling;

11 (ii) errors in numbering sections;

12 (iii) adding or deleting underlining or lines through  
13 matter to be stricken; and

14 (iv) material copied incorrectly from the Montana Code  
15 Annotated.

16 (2) The Secretary of the Senate or the Chief Clerk of  
17 the House and the sponsor of the bill or amendment shall be  
18 notified in writing of the clerical correction. An objection  
19 to the correction may be registered by the Secretary of the  
20 Senate, Chief Clerk of the House, or sponsor by filing it in  
21 writing within 24 hours after receipt of the notice.

22 (3) When a committee is the sponsor of a bill, any  
23 member thereof so designated by the chairman may be the  
24 principal sponsor for the purpose of this section. When a  
25 committee has proposed an amendment, the chairman is the

1 principal sponsor for the purpose of this section.

2 3-8. The Sergeants-at-Arms are responsible to the  
3 presiding officers of their respective houses. Their duties  
4 are to:

5 (1) maintain order under the direction of the  
6 presiding officer;

7 (2) execute commands and serve all processes;

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

9 3-9. The Assistant Sergeants-at-Arms, doorkeepers,  
10 watchmen, janitors, pages, and other employees responsible  
11 for general housekeeping functions are immediately  
12 responsible to the Sergeant-at-Arms, subject to the general  
13 supervision of the presiding officer.

14 3-10. The duty of the chaplain of each house is to open  
15 each day's session with a prayer.

16 3-11. (1) A legislative aide is a person who has  
17 registered with the Chief Clerk of the House or the  
18 Secretary of the Senate and has been issued a distinctive  
19 identification form, such as a name tag. Such  
20 identification may be issued only upon receiving written  
21 verification from a member that the person is serving him as  
22 an aide. A person may not represent himself to be a  
23 legislative aide unless he carries such identification. The  
24 Sergeants-at-Arms and doorkeepers shall enforce this rule.  
25 Legislative aides must be of legal age unless otherwise

1 approved by the presiding officer.

2 (2) No member may designate more than one aide without  
3 the approval of the Rules Committee of the house involved.

4 (3) Qualifications for legislative interns are  
5 specified in Title 5, chapter 6, MCA.

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

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

20 3-14. (1) The offices of the Legislative Council shall  
21 serve both the Senate and the House of Representatives as  
22 required.

23 (2) The Council staff shall prepare payrolls for  
24 certification and signature by the presiding officer and  
25 prepare a monthly financial report and distribute the report

1 to legislative leaders in each house and to members of the  
2 Senate Committee on Finance and Claims and the House  
3 Committee on Appropriations.

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

11 (2) LONG DISTANCE TELEPHONE CALLS MADE WHILE  
12 LEGISLATORS ARE IN SESSION OR IN TRAVEL STATUS ARE  
13 CONSIDERED OFFICIAL LEGISLATIVE BUSINESS AND INCLUDE BUT ARE  
14 NOT LIMITED TO CALLS MADE TO CONSTITUENCIES, PLACES OF  
15 BUSINESS, AND FAMILY. SESSION STAFF, INCLUDING AIDES AND  
16 INTERNS, MAY USE TELEPHONES FOR LONG DISTANCE CALLS ONLY  
17 WHEN SPECIFICALLY AUTHORIZED TO DO SO BY THEIR LEGISLATIVE  
18 SPONSOR OR SUPERVISOR. SPONSORING LEGISLATORS AND  
19 SUPERVISORS ARE ACCOUNTABLE FOR USE OF STATE TELEPHONES BY  
20 THEIR STAFF, INCLUDING AIDES AND INTERNS. MEMBERS MAY NOT  
21 AUTHORIZE OTHERS TO USE STATE PHONES. PERMANENT STAFF OF  
22 THE LEGISLATURE SHALL COMPLY WITH EXECUTIVE BRANCH RULES  
23 APPLYING TO THE USE OF STATE TELEPHONES.

24 CHAPTER 4

25 Order of Business

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

- 4 (1) communications and petitions;  
5 (2) reports of standing committees;  
6 (3) reports of select committees;  
7 (4) messages from the Governor;  
8 (5) messages from the other house;  
9 (6) motions;  
10 (7) first reading and commitment of bills;  
11 (8) second reading of bills (Committee of the Whole);  
12 (9) third reading of bills and consent calendar bills;  
13 (10) unfinished business;  
14 (11) special orders of the day; and  
15 (12) announcement of committee meetings.

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

20 CHAPTER 5

21 Motions

22 5-1. When a motion is made it shall be restated by the  
23 presiding officer and, if requested by the presiding officer  
24 or a member, shall be reduced to writing and read aloud. A  
25 motion may be withdrawn by the member making it at any time

1 before it is amended or voted upon.

2 5-2. (1) When a question is under debate no motion may  
3 be made except the following privileged and subsidiary  
4 motions, which have precedence in the order listed:

- 5 (a) to adjourn;
- 6 (b) for a call of the house;
- 7 (c) to recess;
- 8 (d) question of privilege;
- 9 (e) to lay on the table;
- 10 (f) for the previous question;
- 11 (g) to postpone to a certain day;
- 12 (h) to refer or commit;
- 13 (i) to amend; and
- 14 (j) to postpone indefinitely.

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

21 5-3. No motion or proposition on a subject different  
22 from that under consideration shall be admitted under color  
23 of amendment or substitute.

24 5-4. Any member may, on the day the vote was taken or  
25 on the next day the house in which the action was taken is

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

13 5-5. When a motion to reconsider is laid on the table,  
14 a two-thirds majority is required to take it from the table.  
15 When a motion to reconsider fails, the question is finally  
16 and conclusively settled.

17 5-6. (1) Except as provided in subsection (2) of this  
18 rule, the effect of moving the previous question, if  
19 adopted, is to close debate immediately, to prevent the  
20 moving of amendments or other subsidiary motions, and to  
21 bring to vote promptly the immediately pending main question  
22 and the adhering subsidiary motions, whether on appeal or  
23 otherwise.

24 (2) When the previous question is ordered on any  
25 debatable question on which there has been no debate, the



1 question may be debated for one-half hour, one-half of such  
2 time to be given to the proponents and one-half to the  
3 opponents.

4 5-7. A call of the house is not in order after the  
5 previous question is ordered unless it appears upon an  
6 actual count by the presiding officer that a quorum is not  
7 present.

8 5-8. The following motions are not debatable;

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

1 to voting or other questions of a general procedural nature.

2 5-9. A member may move to divide a question if it  
3 includes two or more propositions so distinct in substance  
4 that if one thing is taken away a substantive question will  
5 remain.

6 5-10. No more than one amendment and no more than one  
7 substitute motion may be made to a motion. This rule permits  
8 the main motion and two modifying motions.

9 CHAPTER 6

10 Bills and Resolutions

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

13 6-1. The only types of instruments other than bills  
14 which may be introduced in either house of the Legislature  
15 are as follows:

16 (1) (a) A simple resolution is a formalized motion  
17 passed by one house only and bears the heading "House  
18 Resolution" or "Senate Resolution". It may be used only to  
19 adopt or amend the rules of one house, to make  
20 recommendations concerning the districting and apportionment  
21 plan as provided by Article V, section 14, subsection (3),  
22 of the Montana Constitution, to provide for the internal  
23 affairs of the house adopting it, or by the Senate to  
24 express confirmation of appointments. When a simple  
25 resolution has been introduced, it shall be referred to a

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

5 (b) A copy of every simple resolution is to be  
 6 transmitted after adoption to the Secretary of State by the  
 7 Secretary of the Senate or the Chief Clerk of the House.

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

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

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

14 (c) adopt or amend the joint rules;

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

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

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

22 (g) submit a negotiated settlement under section  
 23 39-31-305(3), MCA;

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

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

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

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

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

11 6-2. All bill drafting requests shall require a  
 12 legislative sponsor. Bills shall be printed on paper with  
 13 numbered lines and shall be introduced in triplicate. Bills  
 14 shall be numbered at the foot of each page (except page 1),  
 15 and the original copy shall have a white cover of a  
 16 substantial material. In sections amending existing  
 17 statutes, matter to be stricken out shall be indicated with  
 18 a line through the words or part to be deleted, and new  
 19 matter shall be underlined. Sections of the Montana Code  
 20 Annotated repealed or amended in a bill shall be stated in  
 21 the title, except for general appropriation bills and bills  
 22 for the codification and general revision of the laws.  
 23 Introduced bills will be reproduced on white paper and  
 24 distributed to legislators.

25 6-3. (1) No bill, except general appropriation bills

1 and bills for the codification and general revision of the  
 2 laws, shall contain more than one subject, which shall be  
 3 clearly expressed in the title. The enacting clause of every  
 4 law shall be as follows: "Be it enacted by the Legislature  
 5 of the State of Montana".

6 (2) A bill shall be used to propose amendments to the  
 7 Constitution of the State of Montana and shall not be  
 8 subject to the veto of the Governor (Montana Constitution,  
 9 Art. VI, Sec. 10(1)).

10 6-4. (1) All appropriation bills shall originate in  
 11 the House of Representatives.

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

21 6-5. Every statute, unless a different time is  
 22 prescribed therein, takes effect on October 1 following its  
 23 passage and approval, except one that provides for  
 24 appropriation by the Legislature of public funds for a  
 25 public purpose, which takes effect on July 1 following its

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

5 B. Introduction -- Bill Limit

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

10 (a) bills requested prior to the convening date of  
 11 each session;

12 (b) code commissioner bills;

13 (c) resolutions;

14 (d) standing committee bills;

15 (e) appropriation bills; or

16 (f) revenue bills.

17 (2) Bills and joint resolutions will be checked by the  
 18 staff of the Legislative Council prior to introduction for  
 19 proper format, style, and legal form. Bills will be stored  
 20 on the automated bill drafting equipment, printed, and  
 21 delivered in triplicate to the requesting legislator. A  
 22 stamp shall be affixed to the original bill cover and signed  
 23 to indicate Council review. If such stamp is not affixed,  
 24 the bill may not be introduced.

25 (3) During a session a bill may be introduced by

1 endorsing it with the name of a member and presenting it to  
 2 the Chief Clerk of the House of Representatives or the  
 3 Secretary of the Senate in triplicate. Bills or joint  
 4 resolutions may be sponsored jointly by Senate and House  
 5 members. A jointly sponsored bill shall be introduced in the  
 6 house in which the legislator whose name appears first on  
 7 the bill is a member. The chief joint sponsor's name shall  
 8 appear immediately to the right of the first sponsor's name.  
 9 Bills, joint resolutions, and simple resolutions shall be  
 10 numbered consecutively in each session of the Legislature in  
 11 separate series in the order of their receipt.

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

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

1 included on the face of the bill following standing  
 2 committee approval.

3 (6) All preintroduced bills will be made available to  
 4 the public.

5 6-7. The following schedule must be followed for  
 6 submission of drafting requests and introduction of bills  
 7 and resolutions.

	Request	Introduction
	Deadline	Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
1		
2		
3		
4		
5	General Bills and Resolutions	
6	10	14
7	(or 2 legislative	
8	days after delivery	
9	if delivery is	
10	after 14th day)	
11	Revenue Bills	
12	17	21
13	Committee Bills and	
14	Resolutions	
15	Committee Revenue Bills	
16	62	66
17	Committee bills implementing	
18	provisions of a	
19	general appropriation act	
20	64	68
21	Appropriation Bills	
22	No deadline	No deadline
23	Interim Study Resolutions	
24	No deadline	No deadline
25	Bills repealing or directing	

1 the amendment or adoption  
2 of Administrative Rules and  
3 Joint Resolutions advising  
4 or requesting the repeal,  
5 amendment, or adoption  
6 of Administrative Rules  
7 No deadline No deadline  
8 6-8. (1) No bill may be introduced or received in a  
9 house after that house has finally rejected a bill during  
10 that session designed to accomplish the same purpose save  
11 upon approval by the Rules Committee of the house in which  
12 the bill is offered for introduction or reception.  
13 (2) Failure to override a veto does not constitute  
14 final rejection.  
15 6-9. At least three-fourths of a standing committee  
16 must consent to the introduction of a committee bill.  
17 C. First Reading and Referral  
18 6-10. (1) No motion affecting a bill is in order on  
19 its first reading except as provided in Joint Rule 6-6(5).  
20 (2) Upon introduction or reception of a bill, the  
21 Chief Clerk of the House or the Secretary of the Senate  
22 shall publicly post upon a listing that bill by a summary of  
23 its title in the house of origin and by a summary of its  
24 title and by its history in the second house, together with  
25 a notation of the committee to which it has been assigned,

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

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

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

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

9 D. Amendments and Substitute Bills

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

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

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

23 6-17. The proper form of reporting a substitute bill by  
24 a committee is to propose amendments to strike out all of  
25 the bill following the enacting clause and to substitute the

1 new bill, recommending also any necessary changes in the  
2 title. If a committee report recommending a substitute for a  
3 bill originating in the other house is adopted, the  
4 substitute bill shall be printed and reproduced.

5 6-18. Amendments to a bill by the second house shall  
6 not be further amended by the house in which the bill  
7 originated, but must either be accepted or rejected. If the  
8 amendments are rejected, a conference committee may be  
9 requested by the house in which the bill originated. If the  
10 amendments are accepted and the bill is of a type requiring  
11 more than a majority vote for passage, the bill shall again  
12 be placed on third reading in the house of origin. The vote  
13 on third reading after concurrence in amendments is the vote  
14 of the house of origin that must be used to determine if the  
15 required number of votes has been cast.

16 6-19. If a majority of a house adopts a recommendation  
17 for the passage of a bill originating in that house after it  
18 has been returned from a committee with amendments, the bill  
19 shall be reproduced on yellow paper with all amendments  
20 incorporated into the copies. If the bill has been returned  
21 from a committee without amendments, only the first sheet  
22 need be reproduced on yellow paper, and the remainder of the  
23 text incorporated by reference to the preceding version of  
24 the entire bill. Bills referred to the Bills Committee of  
25 the house of origin for reproduction must be reported within

1 3 days unless further time is granted by that house.

2 E. Engrossing and Enrolling

3 6-20. (1) When a bill has been reported favorably by  
4 Committee of the Whole of the house of origin and the report  
5 has been adopted, the bill shall be engrossed under the  
6 direction of the Bills Committee, and when reported  
7 correctly engrossed by the committee shall be placed on the  
8 calendar for third reading on the succeeding legislative  
9 day. Committee of the Whole amendments shall be included in  
10 the engrossed bill. Copies of the engrossed bill to be  
11 distributed to legislators will be reproduced on blue paper.  
12 If a bill is unamended by the Committee of the Whole and  
13 contains no clerical errors, it may be engrossed without  
14 reprinting, and only the first sheet need be reproduced on  
15 blue paper, with the remainder of the text incorporated by  
16 reference to the preceding version of the entire bill.

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

25 6-21. (1) When a bill has passed both houses, it shall

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

13 (2) When the enrolling has been completed, the bill  
14 shall be examined by the sponsor and the Bills Committee and  
15 reported correctly enrolled.

16 (3) The correctly enrolled bill shall be delivered to  
17 the presiding officer of the house in which the bill  
18 originated. The presiding officer shall sign the original  
19 and two copies of each bill delivered to him not later than  
20 the next legislative day after it has been reported  
21 correctly enrolled, unless the bill is delivered on the last  
22 legislative day, in which event it shall be signed that day.  
23 The fact of signing shall be announced by the presiding  
24 officer and entered upon the journal no later than the next  
25 legislative day. At any time after the report of a bill

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

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

12 (5) The original and two copies signed by the  
13 presiding officer of each house shall be presented by the  
14 Bills Committee to the Governor. The Bills Committee shall  
15 take a receipt from the Governor and shall report to the  
16 house the day and hour of such presentation, which shall be  
17 entered in the journal. The original shall be filed with the  
18 Secretary of State. Signed copies with chapter numbers  
19 assigned pursuant to section 5-11-204, MCA, shall be filed  
20 with the Clerk of the Supreme Court and the Legislative  
21 Council.

22 F. Second Reading -- Committee of the Whole

23 6-22. All bills, except consent calendar bills, which  
24 have been reported by a committee, accepted by the house  
25 concerned, and reproduced shall be posted on the calendar

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

11 6-23. (1) Every bill considered in Committee of the  
12 Whole shall be read by a summary of its title. Proposed  
13 amendments shall be considered; then the bill shall be  
14 considered in its entirety.

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

23 6-24. Prior to adoption of a Committee of the Whole  
24 report, a member may move to segregate a bill. If the motion  
25 prevails, the bill remains on second reading.



1       6-25. When a Committee of the Whole report on a bill is  
2 rejected, the bill shall remain on second reading.

3       6-26. Either house may resolve itself into a Committee  
4 of the Whole by approval of a motion for that purpose. So  
5 far as may be applicable, the rules governing each house  
6 shall be observed when that house resolves itself into a  
7 Committee of the Whole, except as follows:

8       (1) The only motions in order are to:  
9       (a) amend;  
10       (b) recommend passage or nonpassage;  
11       (c) recommend concurrence or nonconcurrence;  
12       (d) indefinitely postpone;  
13       (e) pass consideration;  
14       (f) rise;  
15       (g) rise and report; or  
16       (h) rise and report progress and ask leave to sit  
17 again.

18       (2) The committee may not appoint subcommittees.

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

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

25       6-27. After a Committee of the Whole has been formed,

1       the presiding officer shall appoint a chairman to preside.  
2 Upon resuming the chair, the presiding officer shall receive  
3 the report of the chairman of the committee and the house  
4 shall take action on the report.

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

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

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

16       6-29. Except for consent calendar bills, every bill  
17 shall be read three times prior to passage, either by title  
18 or by summary of title as provided in these rules. The first  
19 reading shall be as prescribed in Joint Rule 6-10; the  
20 second prior to debate in Committee of the Whole; and the  
21 third prior to final passage. No bill shall receive more  
22 than one reading on the same day except on the last  
23 legislative day. No amendment may be offered on the third  
24 reading.

25       6-30. (1) Each bill passed by the Legislature, except

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

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

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

19 (4) If the Legislature is not in session when the  
 20 Governor vetoes a bill, he shall return the bill with his  
 21 reasons therefor to the Legislature as provided by law. The  
 22 Legislature may be polled on a bill approved by two-thirds  
 23 of the members present or reconvened to reconsider any bill  
 24 so vetoed (Montana Constitution, Art. VI, Sec. 10).

25 (5) The Governor may veto items in appropriation

1 bills, and in such instances the procedure shall be the same  
 2 as upon veto of an entire bill (Montana Constitution, Art.  
 3 VI, Sec. 10).

4 6-31. Upon receipt of a veto message the presiding  
 5 officer shall read the message. After the reading a member  
 6 may move that the Governor's veto shall be overridden. A  
 7 vote on the motion shall be determined by roll call. If  
 8 two-thirds of the members present vote "aye", the veto is  
 9 overridden. If two-thirds of the members present do not vote  
 10 "aye", the veto is sustained.

11 6-32. If the Governor returns a bill to the originating  
 12 house with his recommendations for amendment, such house  
 13 shall reconsider the bill under its rules relating to  
 14 amendment offered in Committee of the Whole. The bill is  
 15 then subject to the following procedures:

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

21 (2) If both houses approve the Governor's  
 22 recommendations, the bill shall be returned to the Governor  
 23 for his reconsideration.

24 (3) If both houses disapprove the Governor's  
 25 recommendations, the bill shall be returned to the Governor

1 for his reconsideration.

2 (4) If one house disapproves the Governor's  
3 recommendations and the other house approves, then either  
4 house may request a conference committee which may be a free  
5 conference committee.

6 (a) If both houses adopt a conference committee  
7 report, the bill in accordance with the report shall be  
8 returned to the Governor for his reconsideration.

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

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

15 6-33. Each house shall transmit to the other with any  
16 bill all relevant papers. When a House bill is transmitted  
17 from the House of Representatives to the Senate, the  
18 Secretary of the Senate shall give a dated receipt for the  
19 bill to the Chief Clerk of the House. When a Senate bill is  
20 transmitted to the House of Representatives, the Chief Clerk  
21 of the House shall give a dated receipt to the Secretary of  
22 the Senate.

23 6-34. (1) No bill, except for appropriation bills,  
24 revenue bills, or amendments considered by joint committee,  
25 need be acted upon (save for reference to a committee by the

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

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

11 (3) Revenue bills shall be transmitted to the other  
12 house on or before the 72nd day, unless two-thirds of the  
13 members present and voting in the House RECEIVING HOUSE  
14 determine that the bill may be transmitted after the 72nd  
15 day. Amendments to such bills shall be transmitted on or  
16 before the 81st day unless two-thirds of the members present  
17 and voting in the receiving house determine that such an  
18 amendment may be transmitted after the 81st day.

19 (4) Appropriation bills and any bill implementing  
20 provisions of a general appropriation bill shall be  
21 transmitted to the Senate on or before the 68th day unless  
22 two-thirds of the members present and voting in the Senate  
23 determine that the bill may be transmitted after the 68th  
24 day. Senate amendments to such bills shall be transmitted  
25 by the Senate to the House on or before the 81st legislative

1 day unless two-thirds of the members present and voting in  
2 the House determine that such an amendment may be  
3 transmitted after the 81st day.

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

9 (6) A joint resolution introduced for the purpose of  
10 estimating revenue available for appropriation by the  
11 Legislature shall be transmitted not later than the 80th  
12 67TH day. Amendments to such resolutions shall be  
13 transmitted to the house of origin not later than the 85th  
14 day.

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

19 I. Fiscal Notes

20 6-36. (1) All bills reported out of a committee of the  
21 Legislature having an effect on the revenues, expenditures,  
22 or fiscal liability of the state, except appropriation  
23 measures carrying specific dollar amounts, shall include a  
24 fiscal note incorporating an estimate of such effect. The  
25 Legislative Council staff shall indicate at the top of each

1 bill prepared for introduction that a fiscal note may be  
2 necessary under this rule. Fiscal notes shall be requested  
3 by the presiding officer of either house, who at the time of  
4 introduction shall determine the need for the note, based on  
5 the Legislative Council staff recommendation.

6 (2) Unless the requestor directs otherwise, the  
7 Legislative Council shall deliver three copies of any bill  
8 for which it has been determined a fiscal note may be  
9 necessary to the Budget Director immediately after the bill  
10 has been delivered to the requestor prepared for  
11 introduction. The Budget Director may proceed with the  
12 preparation of a fiscal note in anticipation of a subsequent  
13 formal request.

14 (3) The state Budget Director, in cooperation with the  
15 agency or agencies affected by the bill, is responsible for  
16 the preparation of the fiscal note and shall return the same  
17 within 6 days, unless further time is granted by the  
18 presiding officer or committee making the request, based  
19 upon a written statement from the Budget Director that  
20 additional time is necessary to properly prepare the note.

21 (4) A completed fiscal note shall be submitted by the  
22 Budget Director to the presiding officer who requested it,  
23 who shall refer it to the committee considering the bill.  
24 All fiscal notes shall be reproduced and placed on the  
25 members' desks.

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

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

- 9 (a) a committee considering the bill; or  
10 (b) a majority of the members of the house in which  
11 the bill is to be considered, at the time of second reading;  
12 or  
13 (c) the chief sponsor through the presiding officer.

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

18 6-37. (1) If a sponsor elects to prepare a sponsor's  
19 fiscal note pursuant to 5-4-204, MCA, he shall make the  
20 election as provided in 5-4-204(1)(c), MCA, and return the  
21 completed sponsor's fiscal note to the presiding officer  
22 within 4 days of such election.

23 (2) The presiding officer may grant additional time to  
24 the sponsor to prepare the sponsor's fiscal note.

25 (3) Upon receipt of the completed sponsor's fiscal

1 note, the presiding officer shall refer it to the committee  
2 hearing the bill. If the bill is printed, the note must be  
3 identified as a sponsor's fiscal note, reproduced, and  
4 placed on the members' desks.

5 (4) The Legislative Council shall provide forms for  
6 preparation of sponsors' fiscal notes and shall print the  
7 completed sponsors' fiscal notes on a different color paper  
8 than the fiscal notes prepared by the budget director.

9 CHAPTER 7

10 Committees

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

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

24 7-3. If the members of a committee cannot agree on a  
25 report, the majority and minority of the committee present

1 at a committee meeting may submit separate reports. Only one  
 2 minority report may be submitted. Such reports shall be  
 3 entered at length on the journal, unless otherwise ordered  
 4 by the house concerned.

5 7-4. All committees, joint committees, and  
 6 subcommittees shall keep minutes of their meetings. The  
 7 chairman of each such committee must designate a secretary  
 8 to take and transcribe minutes. The chairman must  
 9 authenticate the minutes by his signature. At the close of  
 10 the session, the chairman shall turn the original and two  
 11 complete copies of the minutes over to the Chief Clerk of  
 12 the House or the Secretary of the Senate. The original  
 13 minutes shall be delivered to the Montana Historical  
 14 Society. The Legislative Council and the Montana State Law  
 15 Library shall each be given 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. (1) 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 (2) There shall be a joint committee composed of  
 5 members of the House and Senate Committees on Taxation. The  
 6 joint committee shall consider any resolution introduced for  
 7 the purpose of estimating revenue that may be available for  
 8 appropriation by the Legislature. The joint committee shall  
 9 be composed of three members from each political party in  
 10 each house appointed by the chairmen of the respective  
 11 Committees on Taxation. Meetings of the joint committee  
 12 shall be held upon the call of the chairman of the joint  
 13 committee, who shall be a member of the House. The joint  
 14 committee shall issue periodic reports to each of the  
 15 houses, indicating the committee's current revenue  
 16 projections. Such reports shall be issued on the 40th day,  
 17 the 63rd day, and the 67th day.

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

24 7-8. (1) If either house requests a conference and  
 25 appoints a committee for the purpose of discussing an

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

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

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

1 7-10. (1) Conference committee reports must give  
 2 clerical instructions for enrolling by referring to the  
 3 reference bill version.

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

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

1 7-12. A committee block scheduling system will be  
 2 implemented in the Senate and the House of Representatives.  
 3 The schedule will be coordinated between houses and will be  
 4 adjusted according to the Legislature's workload.

5 CHAPTER 8

6 Rules and Journal

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

11 8-2. (1) The proceedings of each house which shall be  
 12 entered on its journal include:

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

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

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

19 (d) committee reports;

20 (e) roll call votes;

21 (f) messages from the Governor and the other house;

22 (g) an entry of the oath taken by the members (section  
 23 5-2-214, MCA).

24 (2) The title of each bill shall be listed in the  
 25 index of the permanent journals.

1 8-3. The Bills and Journal Committee of each house  
 2 shall supply the Legislative Council with the contents of  
 3 the daily journal to be stored on an automated system. The  
 4 committee shall examine its journal, distribute a daily  
 5 journal to all legislators, order correction of any errors,  
 6 and report each legislative day immediately after roll call.

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

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

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

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



1 8-6. Mason's Manual of Legislative Procedure governs  
2 the proceedings of the Senate and the House of  
3 Representatives in all cases not covered by these rules.

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

16 8-8. Pursuant to the authority established in sections  
17 5-11-211 through 5-11-214, MCA, the following fee schedule  
18 is established for the legislative proceedings:

19 (1) One complete set of the proceedings of any regular  
20 session, \$475; an additional \$150 is required for mailing.

21 (2) One complete set of the proceedings of any special  
22 session, \$25.

23 (3) Single copies of bills, resolutions, amendments,  
24 status sheets, or other documents may be purchased according  
25 to the length of the document as follows:

1	1-5 pages.....	\$ .25
2	6-15 pages.....	\$.50
3	16-40 pages.....	\$1.00
4	41-100 pages.....	\$1.50
5	101-200 pages.....	\$2.00
6	Over 200 pages.....	\$4.00
7	Copies of enacted bills.....	cost of
8		reproduction.

9 CHAPTER 9

10 Voting Procedure

11 9-1. Except as provided in Joint Rule 9-2, every member  
12 present when a question is put shall vote unless the house  
13 of which he is a member excuses him.

14 9-2. A member who has a personal or private interest in  
15 any measure or bill proposed or pending before the  
16 Legislature shall disclose the fact to the house of which he  
17 is a member.

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

23 9-4. When a measure requiring the concurrence of  
24 two-thirds of the members is under consideration, a majority  
25 vote is sufficient to decide any question relating to the

1 measure short of third reading.

2 9-5. A roll call vote shall be taken on the request of  
3 two members, if the request occurs before the vote is taken.

4 9-6. On a roll call vote the names of the members shall  
5 be called alphabetically, unless an electronic voting system  
6 is used. A member may not vote or change his vote after the  
7 decision is announced from the chair. A member may not  
8 explain his vote until after the decision is announced from  
9 the chair.

10 9-7. (1) On third reading the question shall be stated  
11 as follows: "Senate (or House) bill number ..... having been  
12 read three several times, the question is, shall the bill  
13 pass (or be concurred in)."

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

22 9-8. Two members may pair on a measure that will be  
23 determined by a majority vote. On a measure requiring a  
24 two-thirds vote for adoption, three members may pair, with  
25 two members for the measure and one member against. Pairing

1 is permitted only when one of the paired members is excused  
2 when the vote is taken.

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

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

1 the minutes of the appropriate committee or of the  
2 appropriate house and a copy of such minutes shall be filed  
3 with the Montana Historical Society (Montana Constitution,  
4 Art, V, Sec. 11(2)).

#### 5 CHAPTER 10

##### 6 Consent Calendar

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

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

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

22 (3) Legislation shall be immediately posted (as soon  
23 as it is received as a third reading version) on the consent  
24 calendar and must remain there for 1 legislative day before  
25 consideration under Order of Business No. 11, special orders

1 of the day. At that time, the presiding officer will  
2 announce consideration of the consent calendar and allow  
3 "reasonable time" for questions and answers upon request. No  
4 debate will be allowed.

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

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

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

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

#### 15 CHAPTER 11

##### 16 Statement of Legislative Intent

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

1 in terms of contingencies, examples, or other matter  
2 inappropriate for expression as statutory language.

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

8 11-3. Statement of intent to accompany bill -- when --  
9 how. A statement shall accompany a bill as follows:

10 (1) Statements of intent are required for bills  
11 delegating new rulemaking or licensing authority.

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

15 (3) The statement shall be stored on ALTER, printed,  
16 and reproduced on paper of the same color and in the same  
17 manner as the bill, and shall be attached to the bill. The  
18 statement shall be reproduced on paper of the same color as  
19 the bill and attached to the bill on all subsequent  
20 reproductions of the bill.

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

25 11-5. Conference committee on intent only. (1) When

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

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

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

-End-

1                   SENATE JOINT RESOLUTION NO. 6  
 2                   INTRODUCED BY VAN VALKENBURG, HANNAH  
 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   BE IT RESOLVED BY THE SENATE AND THE HOUSE OF  
 9   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 of the House or the  
 24   Secretary of the Senate.

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



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

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

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

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

23 1-10. When the presiding officer is presiding, he shall  
 24 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 the House of  
 4 Representatives may be as ordered by the Senate or House.  
 5 2-2. Lobbying on the floor of the Senate or the House  
 6 of Representatives is prohibited during the session and  
 7 within 1 hour prior to the commencement of a session and  
 8 within 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 3 days or to any  
 15 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 the  
 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 the Chief Clerk of  
 23 the House of Representatives are responsible to the  
 24 presiding officers of their respective houses. Their duties  
 25 are to:

1 (1) have custody of all records, bills, documents, and  
2 other papers;

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

5 (3) deliver to the Secretary of State at the close of  
6 each session the journal, bill books, and resolution books,  
7 and all copies of introduced bills and joint resolutions;

8 (4) collect from the chairmen or secretaries of all  
9 standing committees, special committees, and conference  
10 committees the minutes of such committees and deliver them  
11 to the Montana Historical Society (see Rule 7-4).

12 3-6. Journal clerks, bill clerks, typists, and other  
13 employees responsible for legislative functions (except  
14 secretaries for standing or special committees, secretaries  
15 to presiding officers, and secretaries to majority and  
16 minority floor leaders) are immediately responsible to the  
17 Secretary of the Senate or the Chief Clerk of the House,  
18 subject to the general supervision of the presiding officer.  
19 All staff employed jointly shall be appointed by the Senate  
20 Committee on Legislative Administration and the House  
21 Committee on Legislative Administration/Bills and Journal,  
22 acting jointly.

23 3-7. (1) The duties of the engrossing and enrolling  
24 staff are:

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

1 within 48 hours after they have been received, unless  
2 further time is granted in writing by the presiding officer  
3 of the house in which the bill originated; and

4 (b) to correct clerical errors, absent the objection  
5 of the sponsor of a bill or amendment and the Secretary of  
6 the Senate or the Chief Clerk of the House of  
7 Representatives, in any bill or amendment originating in the  
8 house by which they are employed. Clerical errors such as  
9 the following may be corrected:

10 (i) errors in spelling;

11 (ii) errors in numbering sections;

12 (iii) adding or deleting underlining or lines through  
13 matter to be stricken; and

14 (iv) material copied incorrectly from the Montana Code  
15 Annotated.

16 (2) The Secretary of the Senate or the Chief Clerk of  
17 the House and the sponsor of the bill or amendment shall be  
18 notified in writing of the clerical correction. An objection  
19 to the correction may be registered by the Secretary of the  
20 Senate, Chief Clerk of the House, or sponsor by filing it in  
21 writing within 24 hours after receipt of the notice.

22 (3) When a committee is the sponsor of a bill, any  
23 member thereof so designated by the chairman may be the  
24 principal sponsor for the purpose of this section. When a  
25 committee has proposed an amendment, the chairman is the



1 principal sponsor for the purpose of this section.

2 3-8. The Sergeants-at-Arms are responsible to the  
3 presiding officers of their respective houses. Their duties  
4 are to:

5 (1) maintain order under the direction of the  
6 presiding officer;

7 (2) execute commands and serve all processes;

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

9 3-9. The Assistant Sergeants-at-Arms, doorkeepers,  
10 watchmen, janitors, pages, and other employees responsible  
11 for general housekeeping functions are immediately  
12 responsible to the Sergeant-at-Arms, subject to the general  
13 supervision of the presiding officer.

14 3-10. The duty of the chaplain of each house is to open  
15 each day's session with a prayer.

16 3-11. (1) A legislative aide is a person who has  
17 registered with the Chief Clerk of the House or the  
18 Secretary of the Senate and has been issued a distinctive  
19 identification form, such as a name tag. Such  
20 identification may be issued only upon receiving written  
21 verification from a member that the person is serving him as  
22 an aide. A person may not represent himself to be a  
23 legislative aide unless he carries such identification. The  
24 Sergeants-at-Arms and doorkeepers shall enforce this rule.  
25 Legislative aides must be of legal age unless otherwise

1 approved by the presiding officer.

2 (2) No member may designate more than one aide without  
3 the approval of the Rules Committee of the house involved.

4 (3) Qualifications for legislative interns are  
5 specified in Title 5, chapter 6, MCA.

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

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

20 3-14. (1) The offices of the Legislative Council shall  
21 serve both the Senate and the House of Representatives as  
22 required.

23 (2) The Council staff shall prepare payrolls for  
24 certification and signature by the presiding officer and  
25 prepare a monthly financial report and distribute the report

1 to legislative leaders in each house and to members of the  
 2 Senate Committee on Finance and Claims and the House  
 3 Committee on Appropriations.

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

11 (2) LONG DISTANCE TELEPHONE CALLS MADE WHILE  
 12 LEGISLATORS ARE IN SESSION OR IN TRAVEL STATUS ARE  
 13 CONSIDERED OFFICIAL LEGISLATIVE BUSINESS AND INCLUDE BUT ARE  
 14 NOT LIMITED TO CALLS MADE TO CONSTITUENCIES, PLACES OF  
 15 BUSINESS, AND FAMILY. SESSION STAFF, INCLUDING AIDES AND  
 16 INTERNS, MAY USE TELEPHONES FOR LONG DISTANCE CALLS ONLY  
 17 WHEN SPECIFICALLY AUTHORIZED TO DO SO BY THEIR LEGISLATIVE  
 18 SPONSOR OR SUPERVISOR. SPONSORING LEGISLATORS AND  
 19 SUPERVISORS ARE ACCOUNTABLE FOR USE OF STATE TELEPHONES BY  
 20 THEIR STAFF, INCLUDING AIDES AND INTERNS. MEMBERS MAY NOT  
 21 AUTHORIZE OTHERS TO USE STATE PHONES. PERMANENT STAFF OF  
 22 THE LEGISLATURE SHALL COMPLY WITH EXECUTIVE BRANCH RULES  
 23 APPLYING TO THE USE OF STATE TELEPHONES.

24 CHAPTER 4  
 25 Order of Business

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

- 4 (1) communications and petitions;
- 5 (2) reports of standing committees;
- 6 (3) reports of select committees;
- 7 (4) messages from the Governor;
- 8 (5) messages from the other house;
- 9 (6) motions;
- 10 (7) first reading and commitment of bills;
- 11 (8) second reading of bills (Committee of the Whole);
- 12 (9) third reading of bills and consent calendar bills;
- 13 (10) unfinished business;
- 14 (11) special orders of the day; and
- 15 (12) announcement of committee meetings.

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

20 CHAPTER 5

21 Motions

22 5-1. When a motion is made it shall be restated by the  
 23 presiding officer and, if requested by the presiding officer  
 24 or a member, shall be reduced to writing and read aloud. A  
 25 motion may be withdrawn by the member making it at any time

1 before it is amended or voted upon.

2 5-2. (1) When a question is under debate no motion may  
3 be made except the following privileged and subsidiary  
4 motions, which have precedence in the order listed:

- 5 (a) to adjourn;
- 6 (b) for a call of the house;
- 7 (c) to recess;
- 8 (d) question of privilege;
- 9 (e) to lay on the table;
- 10 (f) for the previous question;
- 11 (g) to postpone to a certain day;
- 12 (h) to refer or commit;
- 13 (i) to amend; and
- 14 (j) to postpone indefinitely.

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

21 5-3. No motion or proposition on a subject different  
22 from that under consideration shall be admitted under color  
23 of amendment or substitute.

24 5-4. Any member may, on the day the vote was taken or  
25 on the next day the house in which the action was taken is

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

13 5-5. When a motion to reconsider is laid on the table,  
14 a two-thirds majority is required to take it from the table.  
15 When a motion to reconsider fails, the question is finally  
16 and conclusively settled.

17 5-6. (1) Except as provided in subsection (2) of this  
18 rule, the effect of moving the previous question, if  
19 adopted, is to close debate immediately, to prevent the  
20 moving of amendments or other subsidiary motions, and to  
21 bring to vote promptly the immediately pending main question  
22 and the adhering subsidiary motions, whether on appeal or  
23 otherwise.

24 (2) When the previous question is ordered on any  
25 debatable question on which there has been no debate, the

1 question may be debated for one-half hour, one-half of such  
2 time to be given to the proponents and one-half to the  
3 opponents.

4 5-7. A call of the house is not in order after the  
5 previous question is ordered unless it appears upon an  
6 actual count by the presiding officer that a quorum is not  
7 present.

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

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

1 to voting or other questions of a general procedural nature.

2 5-9. A member may move to divide a question if it  
3 includes two or more propositions so distinct in substance  
4 that if one thing is taken away a substantive question will  
5 remain.

6 5-10. No more than one amendment and no more than one  
7 substitute motion may be made to a motion. This rule permits  
8 the main motion and two modifying motions.

#### 9 CHAPTER 6

#### 10 Bills and Resolutions

#### 11 A. Form of Bills -- Definition of Resolutions -- General 12 Provisions

13 6-1. The only types of instruments other than bills  
14 which may be introduced in either house of the Legislature  
15 are as follows:

16 (1) (a) A simple resolution is a formalized motion  
17 passed by one house only and bears the heading "House  
18 Resolution" or "Senate Resolution". It may be used only to  
19 adopt or amend the rules of one house, to make  
20 recommendations concerning the districting and apportionment  
21 plan as provided by Article V, section 14, subsection (3),  
22 of the Montana Constitution, to provide for the internal  
23 affairs of the house adopting it, or by the Senate to  
24 express confirmation of appointments. When a simple  
25 resolution has been introduced, it shall be referred to a

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

5 (b) A copy of every simple resolution is to be  
6 transmitted after adoption to the Secretary of State by the  
7 Secretary of the Senate or the Chief Clerk of the House.

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

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

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

14 (c) adopt or amend the joint rules;

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

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

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

22 (g) submit a negotiated settlement under section  
23 39-31-305(3), MCA;

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

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

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

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

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

11 6-2. All bill drafting requests shall require a  
12 legislative sponsor. Bills shall be printed on paper with  
13 numbered lines and shall be introduced in triplicate. Bills  
14 shall be numbered at the foot of each page (except page 1),  
15 and the original copy shall have a white cover of a  
16 substantial material. In sections amending existing  
17 statutes, matter to be stricken out shall be indicated with  
18 a line through the words or part to be deleted, and new  
19 matter shall be underlined. Sections of the Montana Code  
20 Annotated repealed or amended in a bill shall be stated in  
21 the title, except for general appropriation bills and bills  
22 for the codification and general revision of the laws.  
23 Introduced bills will be reproduced on white paper and  
24 distributed to legislators.

25 6-3. (1) No bill, except general appropriation bills

1 and bills for the codification and general revision of the  
 2 laws, shall contain more than one subject, which shall be  
 3 clearly expressed in the title. The enacting clause of every  
 4 law shall be as follows: "Be it enacted by the Legislature  
 5 of the State of Montana".

6 (2) A bill shall be used to propose amendments to the  
 7 Constitution of the State of Montana and shall not be  
 8 subject to the veto of the Governor (Montana Constitution,  
 9 Art. VI, Sec. 10(1)).

10 6-4. (1) All appropriation bills shall originate in  
 11 the House of Representatives.

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

21 6-5. Every statute, unless a different time is  
 22 prescribed therein, takes effect on October 1 following its  
 23 passage and approval, except one that provides for  
 24 appropriation by the Legislature of public funds for a  
 25 public purpose, which takes effect on July 1 following its

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

5 B. Introduction -- Bill Limit

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

10 (a) bills requested prior to the convening date of  
 11 each session;

12 (b) code commissioner bills;

13 (c) resolutions;

14 (d) standing committee bills;

15 (e) appropriation bills; or

16 (f) revenue bills.

17 (2) Bills and joint resolutions will be checked by the  
 18 staff of the Legislative Council prior to introduction for  
 19 proper format, style, and legal form. Bills will be stored  
 20 on the automated bill drafting equipment, printed, and  
 21 delivered in triplicate to the requesting legislator. A  
 22 stamp shall be affixed to the original bill cover and signed  
 23 to indicate Council review. If such stamp is not affixed,  
 24 the bill may not be introduced.

25 (3) During a session a bill may be introduced by

1 endorsing it with the name of a member and presenting it to  
 2 the Chief Clerk of the House of Representatives or the  
 3 Secretary of the Senate in triplicate. Bills or joint  
 4 resolutions may be sponsored jointly by Senate and House  
 5 members. A jointly sponsored bill shall be introduced in the  
 6 house in which the legislator whose name appears first on  
 7 the bill is a member. The chief joint sponsor's name shall  
 8 appear immediately to the right of the first sponsor's name.  
 9 Bills, joint resolutions, and simple resolutions shall be  
 10 numbered consecutively in each session of the Legislature in  
 11 separate series in the order of their receipt.

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

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

1 included on the face of the bill following standing  
 2 committee approval.

3 (6) All preintroduced bills will be made available to  
 4 the public.

5 6-7. The following schedule must be followed for  
 6 submission of drafting requests and introduction of bills  
 7 and resolutions.

	Request	Introduction
	Deadline	Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
1		
2		
3		
4		
5	General Bills and Resolutions	
6	10	14
7	<del>for-2-legislative</del>	
8	<del>days-after-delivery</del>	
9	<del>if-delivery-is</del>	
10	<del>after-14th-day</del>	
11	Revenue Bills	
12	17	21
13	Committee Bills and	
14	Resolutions	36 40
15	Committee Revenue Bills	
16	62	66
17	Committee bills implementing	
18	provisions of a	
19	general appropriation act	
20	64	68
21	<u>BILLS AND RESOLUTIONS DELIVERED AFTER THE APPLICABLE</u>	
22	<u>INTRODUCTION DEADLINE MUST BE INTRODUCED WITHIN 2</u>	
23	<u>LEGISLATIVE DAYS AFTER DELIVERY.</u>	
24	Appropriation Bills	
25	No deadline	No deadline

1	Interim Study Resolutions	
2		No deadline No deadline
3	<u>RESOLUTIONS TO EXPRESS</u>	
4	<u>CONFIRMATION OF APPOINTMENTS</u>	
5		<u>NO DEADLINE NO DEADLINE</u>
6	Bills repealing or directing	
7	the amendment or adoption	
8	of Administrative Rules and	
9	Joint Resolutions advising	
10	or requesting the repeal,	
11	amendment, or adoption	
12	of Administrative Rules	
13		No deadline No deadline
14	6-8. (1) No bill may be introduced or received in a	
15	house after that house has finally rejected a bill during	
16	that session designed to accomplish the same purpose save	
17	upon approval by the Rules Committee of the house in which	
18	the bill is offered for introduction or reception.	
19	(2) Failure to override a veto does not constitute	
20	final 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. (1) No motion affecting a bill is in order on	
25	its first reading except as provided in Joint Rule 6-6(5).	



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

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

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

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

15 D. Amendments and Substitute Bills

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

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

24 6-16. A committee may recommend that every clause in a  
 25 bill be changed and that entirely new matter be substituted

1 so long as the new matter is relevant to the title and  
 2 subject of the original bill. A substitute bill shall be  
 3 considered as an amendment and not as a new bill.

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

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

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

1 incorporated into the copies. If the bill has been returned  
 2 from a committee without amendments, only the first sheet  
 3 need be reproduced on yellow paper, and the remainder of the  
 4 text incorporated by reference to the preceding version of  
 5 the entire bill. Bills referred to the Bills Committee of  
 6 the house of origin for reproduction must be reported within  
 7 3 days unless further time is granted by that house.

8 E. Engrossing and Enrolling

9 6-20. (1) When a bill has been reported favorably by  
 10 Committee of the Whole of the house of origin and the report  
 11 has been adopted, the bill shall be engrossed under the  
 12 direction of the Bills Committee, and when reported  
 13 correctly engrossed by the committee shall be placed on the  
 14 calendar for third reading on the succeeding legislative  
 15 day. Committee of the Whole amendments shall be included in  
 16 the engrossed bill. Copies of the engrossed bill to be  
 17 distributed to legislators will be reproduced on blue paper.  
 18 If a bill is unamended by the Committee of the Whole and  
 19 contains no clerical errors, it may be engrossed without  
 20 reprinting, and only the first sheet need be reproduced on  
 21 blue paper, with the remainder of the text incorporated by  
 22 reference to the preceding version of the entire bill.

23 (2) If a bill is amended by the standing committee or  
 24 Committee of the Whole in the second house, the amendments  
 25 will be included in a salmon-colored reference bill and

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

6 6-21. (1) When a bill has passed both houses, it shall  
 7 be enrolled under the direction of the Bills Committee of  
 8 the house of origin. An original and two duplicate printed  
 9 copies of the bill shall be enrolled, free from all  
 10 corrections and errors, with a margin of two inches at the  
 11 top and one inch on each side. In sections amending existing  
 12 statutes, new matter shall be underlined and stricken matter  
 13 shall be omitted. The original and two copies of the bill  
 14 shall be red lined. The history of the bill shall also be  
 15 enrolled and placed with the bill in a white manuscript  
 16 cover, upon which is written the number of the bill and the  
 17 title. The Legislative Council staff shall file a copy of  
 18 the history with the law library.

19 (2) When the enrolling has been completed, the bill  
 20 shall be examined by the sponsor and the Bills Committee and  
 21 reported correctly enrolled.

22 (3) The correctly enrolled bill shall be delivered to  
 23 the presiding officer of the house in which the bill  
 24 originated. The presiding officer shall sign the original  
 25 and two copies of each bill delivered to him not later than

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

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

18 (5) The original and two copies signed by the  
 19 presiding officer of each house shall be presented by the  
 20 Bills Committee to the Governor. The Bills Committee shall  
 21 take a receipt from the Governor and shall report to the  
 22 house the day and hour of such presentation, which shall be  
 23 entered in the journal. The original shall be filed with the  
 24 Secretary of State. Signed copies with chapter numbers  
 25 assigned pursuant to section 5-11-204, MCA, shall be filed

1 with the Clerk of the Supreme Court and the Legislative  
 2 Council.

3 F. Second Reading -- Committee of the Whole

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

17 6-23. (1) Every bill considered in Committee of the  
 18 Whole shall be read by a summary of its title. Proposed  
 19 amendments shall be considered; then the bill shall be  
 20 considered in its entirety.

21 (2) All Committee of the Whole amendments shall be  
 22 prepared and delivered to the clerk for reading before the  
 23 amendment is voted on. The amendment form will include the  
 24 date and time of the amendment. Each rejected proposed  
 25 amendment shall be identified and kept in the office of the

1 Chief Clerk of the House or the Secretary of the Senate.  
 2 Upon adjournment, the text of such amendments shall be  
 3 delivered to the state archives.

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

7 6-25. When a Committee of the Whole report on a bill is  
 8 rejected, the bill shall remain on second reading.

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

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

24 (2) The committee may not appoint subcommittees.

25 (3) The committee may not punish its members for

1 misconduct, but may report disorder to the house concerned.

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

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

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

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

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

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

1 second prior to debate in Committee of the Whole; and the  
 2 third prior to final passage. No bill shall receive more  
 3 than one reading on the same day except on the last  
 4 legislative day. No amendment may be offered on the third  
 5 reading.

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

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

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

25 (4) If the Legislature is not in session when the

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

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

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

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

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

1 Governor's recommendations.

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

5 (3) If both houses disapprove the Governor's  
6 recommendations, the bill shall be returned to the Governor  
7 for his reconsideration.

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

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

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

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

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

1 transmitted to the House of Representatives, the Chief Clerk  
2 of the House shall give a dated receipt to the Secretary of  
3 the Senate.

4 6-34. (1) No bill, except for appropriation bills,  
5 revenue bills, or amendments considered by joint committee,  
6 need be acted upon (save for reference to a committee by the  
7 presiding officer) if transmitted from one house to the  
8 other after the 45th legislative day, but shall be held  
9 pending in the house to which it is transmitted unless  
10 two-thirds of the members present and voting determine that  
11 the bill shall be acted upon. Amendments, except to  
12 appropriation bills and revenue bills, shall likewise be  
13 deferred for consideration if transmitted after the 70th  
14 legislative day.

15 (2) A revenue bill is one which would either increase  
16 or decrease tax collections.

17 (3) Revenue bills ORIGINATING IN THE SENATE shall be  
18 transmitted to the other-house HOUSE on or before the 72nd  
19 57TH day, unless two-thirds of the members present and  
20 voting in the House RECEIVING HOUSE determine that the bill  
21 may be transmitted after the 72nd 57TH day. ~~Amendments--to~~  
22 ~~such--bills--shall--be--transmitted--on--or--before--the--81st--day~~  
23 ~~unless--two-thirds--of--the--members--present--and--voting--in--the~~  
24 ~~receiving--house--determine--that--such--an--amendment--may--be~~  
25 ~~transmitted--after--the--81st--day~~ HOUSE AMENDMENTS TO SUCH

1 BILLS SHALL BE TRANSMITTED BY THE HOUSE TO THE SENATE ON OR  
 2 BEFORE THE 83RD DAY UNLESS TWO-THIRDS OF THE MEMBERS PRESENT  
 3 AND VOTING IN THE SENATE DETERMINE THAT SUCH AN AMENDMENT  
 4 MAY BE TRANSMITTED AFTER THE 83RD DAY. REVENUE BILLS  
 5 ORIGINATING IN THE HOUSE SHALL BE TRANSMITTED TO THE SENATE  
 6 ON OR BEFORE THE 65TH DAY UNLESS TWO-THIRDS OF THE MEMBERS  
 7 PRESENT AND VOTING IN THE SENATE DETERMINE THAT THE BILL MAY  
 8 BE TRANSMITTED AFTER THE 65TH DAY. SENATE AMENDMENTS TO  
 9 HOUSE REVENUE BILLS SHALL BE TRANSMITTED BY THE SENATE TO  
 10 THE HOUSE ON OR BEFORE THE 83RD DAY UNLESS TWO-THIRDS OF THE  
 11 MEMBERS PRESENT AND VOTING IN THE HOUSE DETERMINE THAT SUCH  
 12 AMENDMENTS MAY BE TRANSMITTED AFTER THE 83RD DAY.

13 (4) Appropriation bills and any bill implementing  
 14 provisions of a general appropriation bill shall be  
 15 transmitted to the Senate on or before the 68th 72ND day  
 16 unless two-thirds of the members present and voting in the  
 17 Senate determine that the bill may be transmitted after the  
 18 68th 72ND day. Senate amendments to such bills shall be  
 19 transmitted by the Senate to the House on or before the 81st  
 20 83RD legislative day unless two-thirds of the members  
 21 present and voting in the House determine that such an  
 22 amendment may be transmitted after the 81st 83RD day.

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

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

3 (6) A joint resolution introduced for the purpose of  
 4 estimating revenue available for appropriation by the  
 5 Legislature shall be transmitted not later than the 80th  
 6 67TH day. Amendments to such resolutions shall be  
 7 transmitted to the house of origin not later than the 85th  
 8 83RD day.

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

### 13 I. Fiscal Notes

14 6-36. (1) All bills reported out of a committee of the  
 15 Legislature having an effect on the revenues, expenditures,  
 16 or fiscal liability of the state, except appropriation  
 17 measures carrying specific dollar amounts, shall include a  
 18 fiscal note incorporating an estimate of such effect. The  
 19 Legislative Council staff shall indicate at the top of each  
 20 bill prepared for introduction that a fiscal note may be  
 21 necessary under this rule. Fiscal notes shall be requested  
 22 by the presiding officer of either house, who at the time of  
 23 introduction shall determine the need for the note, based on  
 24 the Legislative Council staff recommendation.

25 (2) Unless the requestor directs otherwise, the

1 Legislative Council shall deliver three copies of any bill  
 2 for which it has been determined a fiscal note may be  
 3 necessary to the Budget Director immediately after the bill  
 4 has been delivered to the requestor prepared for  
 5 introduction. The Budget Director may proceed with the  
 6 preparation of a fiscal note in anticipation of a subsequent  
 7 formal request.

8 (3) The state Budget Director, in cooperation with the  
 9 agency or agencies affected by the bill, is responsible for  
 10 the preparation of the fiscal note and shall return the same  
 11 within 6 days, unless further time is granted by the  
 12 presiding officer or committee making the request, based  
 13 upon a written statement from the Budget Director that  
 14 additional time is necessary to properly prepare the note.

15 (4) A completed fiscal note shall be submitted by the  
 16 Budget Director to the presiding officer who requested it,  
 17 who shall refer it to the committee considering the bill.  
 18 All fiscal notes shall be reproduced and placed on the  
 19 members' desks.

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

1 (6) A fiscal note also may be requested on a bill and  
 2 on an amendment by:

3 (a) a committee considering the bill; or

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

7 (c) the chief sponsor through the presiding officer.

8 (7) The Budget Director shall make available on  
 9 request to any member of the Legislature all background  
 10 information used in developing a fiscal note (Title 5,  
 11 chapter 4, part 2, MCA).

12 6-37. (1) If a sponsor elects to prepare a sponsor's  
 13 fiscal note pursuant to 5-4-204, MCA, he shall make the  
 14 election as provided in 5-4-204(1)(c), MCA, and return the  
 15 completed sponsor's fiscal note to the presiding officer  
 16 within 4 days of such election.

17 (2) The presiding officer may grant additional time to  
 18 the sponsor to prepare the sponsor's fiscal note.

19 (3) Upon receipt of the completed sponsor's fiscal  
 20 note, the presiding officer shall refer it to the committee  
 21 hearing the bill. If the bill is printed, the note must be  
 22 identified as a sponsor's fiscal note, reproduced, and  
 23 placed on the members' desks.

24 (4) The Legislative Council shall provide forms for  
 25 preparation of sponsors' fiscal notes and shall print the



1 completed sponsors' fiscal notes on a different color paper  
2 than the fiscal notes prepared by the budget director.

3 CHAPTER 7

4 Committees

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

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

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

24 7-4. All committees, joint committees, and  
25 subcommittees shall keep minutes of their meetings. The

1 chairman of each such committee must designate a secretary  
2 to take and transcribe minutes. The chairman must  
3 authenticate the minutes by his signature. At the close of  
4 the session, the chairman shall turn the original and two  
5 complete copies of the minutes over to the Chief Clerk of  
6 the House or the Secretary of the Senate. The original  
7 minutes shall be delivered to the Montana Historical  
8 Society. The Legislative Council and the Montana State Law  
9 Library shall each be given one copy of the minutes.

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

15 7-6. (1) All bills providing for an appropriation of  
16 public money may first be considered by a joint committee  
17 composed of the members of the Senate Committee on Finance  
18 and Claims and the House Committee on Appropriations, and  
19 then by each separately. Meetings of the joint committee  
20 shall be held upon call of the chairman of the House  
21 Committee on Appropriations, who shall be chairman of the  
22 joint committee.

23 (2) There shall be a joint committee composed of  
24 members of the House and Senate Committees on Taxation. The  
25 joint committee shall consider any resolution introduced for

1 the purpose of estimating revenue that may be available for  
 2 appropriation by the Legislature. The joint committee shall  
 3 be composed of three members from each political party in  
 4 each house appointed by the chairmen of the respective  
 5 Committees on Taxation. Meetings of the joint committee  
 6 shall be held upon the call of the chairman of the joint  
 7 committee, who shall be a member of the House. The joint  
 8 committee shall issue periodic reports to each of the  
 9 houses, indicating the committee's current revenue  
 10 projections. Such reports shall be issued on the 40th day  
 11 AND the 63rd day, and the 67th 60TH day.

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

18 7-8. (1) If either house requests a conference and  
 19 appoints a committee for the purpose of discussing an  
 20 amendment on which the Senate and the House of  
 21 Representatives cannot agree, the other house shall appoint  
 22 a committee for the same purpose. The time and place of all  
 23 conference committee meetings shall be agreed upon by their  
 24 chairmen and be announced from the rostrum. This  
 25 announcement is in order at any time. Failure to make this

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

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

12 7-9. In joint committees other than THE RULES AND  
 13 conference committees, members vote individually and not by  
 14 houses. Because THE RULES AND conference committees are  
 15 joint meetings of separate committees, in conference SUCH  
 16 committees the committees from each house vote separately. A  
 17 majority of each committee must agree before any action may  
 18 be taken unless otherwise specified by individual house  
 19 rules.

20 7-10. (1) Conference committee reports must give  
 21 clerical instructions for enrolling by referring to the  
 22 reference bill version.

23 (2) When a conference committee report is filed with  
 24 the Secretary of the Senate or the Chief Clerk of the House,  
 25 the same shall be read under Order of Business No. 3, select

1 committees, and placed on the calendar for consideration on  
 2 second reading. If recommended favorably by the Committee of  
 3 the Whole, it may be considered on third reading the same  
 4 legislative day. On the final legislative day a conference  
 5 committee report shall be placed on the calendar for  
 6 immediate consideration on second reading and shall be  
 7 further considered on third reading the same legislative  
 8 day. If a conference committee report is adopted on third  
 9 reading and the bill is of a type requiring more than a  
 10 majority vote for passage, the bill shall again be placed on  
 11 third reading in each house. This third reading vote must be  
 12 used to determine if the required number of votes has been  
 13 cast.

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

20 7-12. A committee block scheduling system will be  
 21 implemented in the Senate and the House of Representatives.  
 22 The schedule will be coordinated between houses and will be  
 23 adjusted according to the Legislature's workload.

24 CHAPTER 8

25 Rules and Journal

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

5 8-2. (1) The proceedings of each house which shall be  
 6 entered on its journal include:

7 (a) the number of each bill when it is introduced and  
 8 subsequently considered;

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

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

13 (d) committee reports;

14 (e) roll call votes;

15 (f) messages from the Governor and the other house;

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

18 (2) The title of each bill shall be listed in the  
 19 index of the permanent journals.

20 8-3. The Bills and Journal Committee of each house  
 21 shall supply the Legislative Council with the contents of  
 22 the daily journal to be stored on an automated system. The  
 23 committee shall examine its journal, distribute a daily  
 24 journal to all legislators, order correction of any errors,  
 25 and report each legislative day immediately after roll call.

1 8-4. The journal of the Senate must be authenticated by  
2 the signature of the President, and the journal of the House  
3 of Representatives, by the signature of the Speaker. The  
4 distribution of the completed journals shall be made by the  
5 Legislative Council (sections 5-11-201 through 5-11-203,  
6 MCA).

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

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

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

20 8-6. Mason's Manual of Legislative Procedure governs  
21 the proceedings of the Senate and the House of  
22 Representatives in all cases not covered by these rules.

23 8-7. The Legislative Council shall codify and publish  
24 in one volume the rules of the Senate, the rules of the  
25 House of Representatives, and the joint rules of the Senate

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

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

13 (1) One complete set of the proceedings of any regular  
14 session, \$475; an additional \$150 is required for mailing.

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

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

20	1-5 pages.....	\$.25
21	6-15 pages.....	\$.50
22	16-40 pages.....	\$1.00
23	41-100 pages.....	\$1.50
24	101-200 pages.....	\$2.00
25	Over 200 pages.....	\$4.00

1 Copies of enacted bills.....cost of  
2 reproduction.

3 CHAPTER 9

4 Voting Procedure

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

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

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

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

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

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

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

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

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

16 9-8. Two members may pair on a measure that will be  
17 determined by a majority vote. On a measure requiring a  
18 two-thirds vote for adoption, three members may pair, with  
19 two members for the measure and one member against. Pairing  
20 is permitted only when one of the paired members is excused  
21 when the vote is taken.

22 9-9. An agreement to pair must be in writing and dated  
23 and signed by the members agreeing to be bound, and must  
24 specify the duration of the pair. When an agreement to pair  
25 is filed with the Secretary of the Senate or the Chief Clerk

1 of the House of Representatives, it shall bind the members  
 2 signing until the expiration of time for which it was  
 3 signed, unless the paired members sooner appear and ask that  
 4 the agreement be cancelled.

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

24 CHAPTER 10  
 25 Consent Calendar

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

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

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

16 (3) Legislation shall be immediately posted (as soon  
 17 as it is received as a third reading version) on the consent  
 18 calendar and must remain there for 1 legislative day before  
 19 consideration under Order of Business No. 11, special orders  
 20 of the day. At that time, the presiding officer will  
 21 announce consideration of the consent calendar and allow  
 22 "reasonable time" for questions and answers upon request. No  
 23 debate will be allowed.

24 (4) Any three members may submit written objections,  
 25 and the legislation must then be removed from the consent

1 calendar and added to the regular second reading board.

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

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

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

9 CHAPTER 11

10 Statement of Legislative Intent

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

22 11-2. Limitation. A statement of intent may not  
23 accompany any bill that does not statutorily require one  
24 unless a committee (standing committee, Committee of the  
25 Whole or conference committee) agrees by a two-thirds vote

1 to attach the statement.

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

4 (1) Statements of intent are required for bills  
5 delegating new rulemaking or licensing authority.

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

9 (3) The statement shall be stored on ALTER, printed,  
10 and reproduced on paper of the same color and in the same  
11 manner as the bill, and shall be attached to the bill. The  
12 statement shall be reproduced on paper of the same color as  
13 the bill and attached to the bill on all subsequent  
14 reproductions of the bill.

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

19 11-5. Conference committee on intent only. (1) When  
20 the second house concurs in a bill without amendments but  
21 amends or supersedes a previous statement of intent, the  
22 bill may not be enrolled until both houses have agreed on a  
23 statement of intent. If the statement is attached to a bill  
24 that does not statutorily require one, the conference  
25 committee can delete the statement in its entirety.

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

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

-End-



# CONFERENCE COMMITTEE REPORT

Report No. 2

March 4, 1987

MR. PRESIDENT

We, your \_\_\_\_\_ FREE \_\_\_\_\_ Conference Committee on

SENATE JOINT RESOLUTION 6

met and considered SENATE JOINT RESOLUTION 6, reference copy (salmon).

We recommend as follows:

1. Page 23, line 20.  
Strike: "64 68"  
Insert: "75 78"
2. Page 36, line 19.  
Strike: " 57TH "  
Insert: "58th"
3. Page 36, line 21.  
Strike: " 57TH "  
Insert: "58th"

And that this Conference Committee report be adopted.

FOR THE SENATE

George McCallum  
McCALLUM, CHAIR

Fred Van Valkenburg  
VAN VALKENBURG

Bill Farrell  
FARRELL

FOR THE HOUSE

Hannah  
HANNAH

Iverson  
IVERSON

Vincent  
VINCENT

# STANDING COMMITTEE REPORT

January 15 19 87

Mr. Speaker: We, the committee on RULES

report SJR 6

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

  
REP. TOM HANNAH

Chairman

## TO ADOPT JOINT RULES

### BE AMENDED AS FOLLOWS:

1. Page 23, line 24.

Following: line 24

Insert: "Resolutions to express  
confirmation of appointments No deadline No deadline"

2. Page 36, line 11.

Following: "(3)"

Strike: The remainder of line 11 through "day." on line 15.

Insert: "A revenue bill originating in the Senate shall be transmitted to the House on or before the 55th day, unless two-thirds of the members present and voting in the House determine that the bill may be transmitted after the 55th day. A revenue bill originating in the House shall be transmitted to the Senate on or before the 72nd day, unless two-thirds of the members present and voting in the Senate determine that the bill may be transmitted after the 72nd day."

3. Page 37, line 12.

Strike: "67TH"

Insert: "80th"

STANDING COMMITTEE REPORT

HOUSE

January 28 19 87

Mr. Speaker: We, the committee on RULES

report SJR 6

- do pass
- be concurred in
- as amended
- do not pass
- be not concurred in
- statement of intent attached

Chairman

(TO ADOPT JOINT RULES)

THE COMMITTEE RECOMMENDS THAT THE AMENDMENTS RECOMMENDED IN THE COMMITTEE REPORT OF JANUARY 15, 1987 BE REMOVED; AND THAT THE RESOLUTION

BE AMENDED AS FOLLOWS:

1. Page 23.  
Strike: lines 7 through 10 in their entirety

Following line 20  
Insert: "Bills and resolutions delivered after the applicable introduction deadline must be introduced within 2 legislative days after delivery."

Following line 24  
Insert: "Resolutions to express confirmation of appointments No deadline No deadline"

2. Page 36, line 11.  
Following: "bills"  
Insert: "originating in the Senate"

Line 11.  
Following: "the"  
Strike: "other"

Page 36, line 12.  
Strike: "house"  
Insert: "House"

Line 12.  
Strike: "72nd"  
Insert: "57th"

Page 36, line 13.  
Strike: "RECEIVING"

MSW

January 28 ..... 19 87

Page 36, line 14.

Strike: "72nd"

Insert: "57th"

Page 36, line 15.

Strike: "Amendments" through "81st day" on line 18

Insert: "House amendments to such bills shall be transmitted by the House to the Senate on or before the 83rd day unless two-thirds of the members present and voting in the Senate determine that such an amendment may be transmitted after the 83rd day. Revenue bills originating in the House shall be transmitted to the Senate on or before the 65th day unless two-thirds of the members present and voting in the Senate determine that the bill may be transmitted after the 65th day. Senate amendments to House revenue bills shall be transmitted by the Senate to the House on or before the 83rd day unless two-thirds of the members present and voting in the House determine that such amendments may be transmitted after the 83rd day"

Page 36, line 21.

Strike: "68th"

Insert: "72nd"

Page 36, line 23.

Strike: "68th"

Insert: "72nd"

Page 36, line 25.

Strike: "81st"

Insert: "83rd"

3. Page 37, line 3.

Strike: "81st"

Insert: "83rd"

Page 37, line 13.

Strike: "85th"

Insert: "83rd"

4. Page 42, line 16.

Following: "40th"

Strike: "day,"

Insert: "and"

Page 42, line 17.

Strike: "63rd day, and the 67th"

Insert: "60th"

THIRD READING COPY (BLUE)

*Tom Hannah*  
 .....  
 REP. TOM HANNAH Chairman.

TP

## 1 SENATE JOINT RESOLUTION NO. 6

2 INTRODUCED BY VAN VALKENBURG, HANNAH

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 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF  
9 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 of the House or the  
24 Secretary of the Senate.

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

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

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

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

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

23 1-10. When the presiding officer is presiding, he shall  
 24 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 the House of  
 4 Representatives may be as ordered by the Senate or House.  
 5 2-2. Lobbying on the floor of the Senate or the House  
 6 of Representatives is prohibited during the session and  
 7 within 1 hour prior to the commencement of a session and  
 8 within 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 3 days or to any  
 15 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 the  
 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 the Chief Clerk of  
23 the House of Representatives are responsible to the  
24 presiding officers of their respective houses. Their duties  
25 are to:

1 (1) have custody of all records, bills, documents, and  
2 other papers;

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

5 (3) deliver to the Secretary of State at the close of  
6 each session the journal, bill books, and resolution books,  
7 and all copies of introduced bills and joint resolutions;

8 (4) collect from the chairmen or secretaries of all  
9 standing committees, special committees, and conference  
10 committees the minutes of such committees and deliver them  
11 to the Montana Historical Society (see Rule 7-4).

12 3-6. Journal clerks, bill clerks, typists, and other  
13 employees responsible for legislative functions (except  
14 secretaries for standing or special committees, secretaries  
15 to presiding officers, and secretaries to majority and  
16 minority floor leaders) are immediately responsible to the  
17 Secretary of the Senate or the Chief Clerk of the House,  
18 subject to the general supervision of the presiding officer.  
19 All staff employed jointly shall be appointed by the Senate  
20 Committee on Legislative Administration and the House  
21 Committee on Legislative Administration/Bills and Journal,  
22 acting jointly.

23 3-7. (1) The duties of the engrossing and enrolling  
24 staff are:

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

1 within 48 hours after they have been received, unless  
2 further time is granted in writing by the presiding officer  
3 of the house in which the bill originated; and

4 (b) to correct clerical errors, absent the objection  
5 of the sponsor of a bill or amendment and the Secretary of  
6 the Senate or the Chief Clerk of the House of  
7 Representatives, in any bill or amendment originating in the  
8 house by which they are employed. Clerical errors such as  
9 the following may be corrected:

10 (i) errors in spelling;

11 (ii) errors in numbering sections;

12 (iii) adding or deleting underlining or lines through  
13 matter to be stricken; and

14 (iv) material copied incorrectly from the Montana Code  
15 Annotated.

16 (2) The Secretary of the Senate or the Chief Clerk of  
17 the House and the sponsor of the bill or amendment shall be  
18 notified in writing of the clerical correction. An objection  
19 to the correction may be registered by the Secretary of the  
20 Senate, Chief Clerk of the House, or sponsor by filing it in  
21 writing within 24 hours after receipt of the notice.

22 (3) When a committee is the sponsor of a bill, any  
23 member thereof so designated by the chairman may be the  
24 principal sponsor for the purpose of this section. When a  
25 committee has proposed an amendment, the chairman is the



1 principal sponsor for the purpose of this section.

2 3-8. The Sergeants-at-Arms are responsible to the  
3 presiding officers of their respective houses. Their duties  
4 are to:

5 (1) maintain order under the direction of the  
6 presiding officer;

7 (2) execute commands and serve all processes;

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

9 3-9. The Assistant Sergeants-at-Arms, doorkeepers,  
10 watchmen, janitors, pages, and other employees responsible  
11 for general housekeeping functions are immediately  
12 responsible to the Sergeant-at-Arms, subject to the general  
13 supervision of the presiding officer.

14 3-10. The duty of the chaplain of each house is to open  
15 each day's session with a prayer.

16 3-11. (1) A legislative aide is a person who has  
17 registered with the Chief Clerk of the House or the  
18 Secretary of the Senate and has been issued a distinctive  
19 identification form, such as a name tag. Such  
20 identification may be issued only upon receiving written  
21 verification from a member that the person is serving him as  
22 an aide. A person may not represent himself to be a  
23 legislative aide unless he carries such identification. The  
24 Sergeants-at-Arms and doorkeepers shall enforce this rule.  
25 Legislative aides must be of legal age unless otherwise

1 approved by the presiding officer.

2 (2) No member may designate more than one aide without  
3 the approval of the Rules Committee of the house involved.

4 (3) Qualifications for legislative interns are  
5 specified in Title 5, chapter 6, MCA.

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

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

20 3-14. (1) The offices of the Legislative Council shall  
21 serve both the Senate and the House of Representatives as  
22 required.

23 (2) The Council staff shall prepare payrolls for  
24 certification and signature by the presiding officer and  
25 prepare a monthly financial report and distribute the report

1 to legislative leaders in each house and to members of the  
 2 Senate Committee on Finance and Claims and the House  
 3 Committee on Appropriations.

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

11 (2) LONG DISTANCE TELEPHONE CALLS MADE WHILE  
 12 LEGISLATORS ARE IN SESSION OR IN TRAVEL STATUS ARE  
 13 CONSIDERED OFFICIAL LEGISLATIVE BUSINESS AND INCLUDE BUT ARE  
 14 NOT LIMITED TO CALLS MADE TO CONSTITUENCIES, PLACES OF  
 15 BUSINESS, AND FAMILY. SESSION STAFF, INCLUDING AIDES AND  
 16 INTERNS, MAY USE TELEPHONES FOR LONG DISTANCE CALLS ONLY  
 17 WHEN SPECIFICALLY AUTHORIZED TO DO SO BY THEIR LEGISLATIVE  
 18 SPONSOR OR SUPERVISOR. SPONSORING LEGISLATORS AND  
 19 SUPERVISORS ARE ACCOUNTABLE FOR USE OF STATE TELEPHONES BY  
 20 THEIR STAFF, INCLUDING AIDES AND INTERNS. MEMBERS MAY NOT  
 21 AUTHORIZE OTHERS TO USE STATE PHONES. PERMANENT STAFF OF  
 22 THE LEGISLATURE SHALL COMPLY WITH EXECUTIVE BRANCH RULES  
 23 APPLYING TO THE USE OF STATE TELEPHONES.

24 CHAPTER 4

25 Order of Business

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

- 4 (1) communications and petitions;
- 5 (2) reports of standing committees;
- 6 (3) reports of select committees;
- 7 (4) messages from the Governor;
- 8 (5) messages from the other house;
- 9 (6) motions;
- 10 (7) first reading and commitment of bills;
- 11 (8) second reading of bills (Committee of the Whole);
- 12 (9) third reading of bills and consent calendar bills;
- 13 (10) unfinished business;
- 14 (11) special orders of the day; and
- 15 (12) announcement of committee meetings.

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

20 CHAPTER 5

21 Motions

22 5-1. When a motion is made it shall be restated by the  
 23 presiding officer and, if requested by the presiding officer  
 24 or a member, shall be reduced to writing and read aloud. A  
 25 motion may be withdrawn by the member making it at any time

1 before it is amended or voted upon.

2 5-2. (1) When a question is under debate no motion may  
3 be made except the following privileged and subsidiary  
4 motions, which have precedence in the order listed:

- 5 (a) to adjourn;
- 6 (b) for a call of the house;
- 7 (c) to recess;
- 8 (d) question of privilege;
- 9 (e) to lay on the table;
- 10 (f) for the previous question;
- 11 (g) to postpone to a certain day;
- 12 (h) to refer or commit;
- 13 (i) to amend; and
- 14 (j) to postpone indefinitely.

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

21 5-3. No motion or proposition on a subject different  
22 from that under consideration shall be admitted under color  
23 of amendment or substitute.

24 5-4. Any member may, on the day the vote was taken or  
25 on the next day the house in which the action was taken is

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

13 5-5. When a motion to reconsider is laid on the table,  
14 a two-thirds majority is required to take it from the table.  
15 When a motion to reconsider fails, the question is finally  
16 and conclusively settled.

17 5-6. (1) Except as provided in subsection (2) of this  
18 rule, the effect of moving the previous question, if  
19 adopted, is to close debate immediately, to prevent the  
20 moving of amendments or other subsidiary motions, and to  
21 bring to vote promptly the immediately pending main question  
22 and the adhering subsidiary motions, whether on appeal or  
23 otherwise.

24 (2) When the previous question is ordered on any  
25 debatable question on which there has been no debate, the

1 question may be debated for one-half hour, one-half of such  
2 time to be given to the proponents and one-half to the  
3 opponents.

4 5-7. A call of the house is not in order after the  
5 previous question is ordered unless it appears upon an  
6 actual count by the presiding officer that a quorum is not  
7 present.

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

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

1 to voting or other questions of a general procedural nature.

2 5-9. A member may move to divide a question if it  
3 includes two or more propositions so distinct in substance  
4 that if one thing is taken away a substantive question will  
5 remain.

6 5-10. No more than one amendment and no more than one  
7 substitute motion may be made to a motion. This rule permits  
8 the main motion and two modifying motions.

#### 9 CHAPTER 6

#### 10 Bills and Resolutions

#### 11 A. Form of Bills -- Definition of Resolutions -- General 12 Provisions

13 6-1. The only types of instruments other than bills  
14 which may be introduced in either house of the Legislature  
15 are as follows:

- 16 (1) (a) A simple resolution is a formalized motion  
17 passed by one house only and bears the heading "House  
18 Resolution" or "Senate Resolution". It may be used only to  
19 adopt or amend the rules of one house, to make  
20 recommendations concerning the districting and apportionment  
21 plan as provided by Article V, section 14, subsection (3),  
22 of the Montana Constitution, to provide for the internal  
23 affairs of the house adopting it, or by the Senate to  
24 express confirmation of appointments. When a simple  
25 resolution has been introduced, it shall be referred to a

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

5 (b) A copy of every simple resolution is to be  
6 transmitted after adoption to the Secretary of State by the  
7 Secretary of the Senate or the Chief Clerk of the House.

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

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

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

14 (c) adopt or amend the joint rules;

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

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

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

22 (g) submit a negotiated settlement under section  
23 39-31-305(3), MCA;

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

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

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

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

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

11 6-2. All bill drafting requests shall require a  
12 legislative sponsor. Bills shall be printed on paper with  
13 numbered lines and shall be introduced in triplicate. Bills  
14 shall be numbered at the foot of each page (except page 1),  
15 and the original copy shall have a white cover of a  
16 substantial material. In sections amending existing  
17 statutes, matter to be stricken out shall be indicated with  
18 a line through the words or part to be deleted, and new  
19 matter shall be underlined. Sections of the Montana Code  
20 Annotated repealed or amended in a bill shall be stated in  
21 the title, except for general appropriation bills and bills  
22 for the codification and general revision of the laws.  
23 Introduced bills will be reproduced on white paper and  
24 distributed to legislators.

25 6-3. (1) No bill, except general appropriation bills

1 and bills for the codification and general revision of the  
2 laws, shall contain more than one subject, which shall be  
3 clearly expressed in the title. The enacting clause of every  
4 law shall be as follows: "Be it enacted by the Legislature  
5 of the State of Montana".

6 (2) A bill shall be used to propose amendments to the  
7 Constitution of the State of Montana and shall not be  
8 subject to the veto of the Governor (Montana Constitution,  
9 Art. VI, Sec. 10(1)).

10 6-4. (1) All appropriation bills shall originate in  
11 the House of Representatives.

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

21 6-5. Every statute, unless a different time is  
22 prescribed therein, takes effect on October 1 following its  
23 passage and approval, except one that provides for  
24 appropriation by the Legislature of public funds for a  
25 public purpose, which takes effect on July 1 following its

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

5 B. Introduction -- Bill Limit

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

10 (a) bills requested prior to the convening date of  
11 each session;

12 (b) code commissioner bills;

13 (c) resolutions;

14 (d) standing committee bills;

15 (e) appropriation bills; or

16 (f) revenue bills.

17 (2) Bills and joint resolutions will be checked by the  
18 staff of the Legislative Council prior to introduction for  
19 proper format, style, and legal form. Bills will be stored  
20 on the automated bill drafting equipment, printed, and  
21 delivered in triplicate to the requesting legislator. A  
22 stamp shall be affixed to the original bill cover and signed  
23 to indicate Council review. If such stamp is not affixed,  
24 the bill may not be introduced.

25 (3) During a session a bill may be introduced by

1 endorsing it with the name of a member and presenting it to  
 2 the Chief Clerk of the House of Representatives or the  
 3 Secretary of the Senate in triplicate. Bills or joint  
 4 resolutions may be sponsored jointly by Senate and House  
 5 members. A jointly sponsored bill shall be introduced in the  
 6 house in which the legislator whose name appears first on  
 7 the bill is a member. The chief joint sponsor's name shall  
 8 appear immediately to the right of the first sponsor's name.  
 9 Bills, joint resolutions, and simple resolutions shall be  
 10 numbered consecutively in each session of the Legislature in  
 11 separate series in the order of their receipt.

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

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

1 included on the face of the bill following standing  
 2 committee approval.

3 (6) All preintroduced bills will be made available to  
 4 the public.

5 6-7. The following schedule must be followed for  
 6 submission of drafting requests and introduction of bills  
 7 and resolutions.

	Request	Introduction
	Deadline	Deadline
	5:00 P.M.	5:00 P.M.
	<u>Legislative Day</u>	
1		
2		
3		
4		
5	General Bills and Resolutions	
6	10	14
7	<del>for-2-legislative</del>	
8	<del>days-after-delivery</del>	
9	<del>if-delivery-is</del>	
10	<del>after-14th-day)</del>	
11	Revenue Bills	
12	17	21
13	Committee Bills and	
14	Resolutions	36 40
15	Committee Revenue Bills	
16	62	66
17	Committee bills implementing	
18	provisions of a	
19	general appropriation act	
20	64 75	68 78
21	<u>BILLS AND RESOLUTIONS DELIVERED AFTER THE APPLICABLE</u>	
22	<u>INTRODUCTION DEADLINE MUST BE INTRODUCED WITHIN 2</u>	
23	<u>LEGISLATIVE DAYS AFTER DELIVERY.</u>	
24	Appropriation Bills	
25	No deadline	No deadline

1	Interim Study Resolutions	
2		No deadline No deadline
3	<u>RESOLUTIONS TO EXPRESS</u>	
4	<u>CONFIRMATION OF APPOINTMENTS</u>	
5		<u>NO DEADLINE NO DEADLINE</u>
6	Bills repealing or directing	
7	the amendment or adoption	
8	of Administrative Rules and	
9	Joint Resolutions advising	
10	or requesting the repeal,	
11	amendment, or adoption	
12	of Administrative Rules	
13		No deadline No deadline
14	6-8. (1) No bill may be introduced or received in a	
15	house after that house has finally rejected a bill during	
16	that session designed to accomplish the same purpose save	
17	upon approval by the Rules Committee of the house in which	
18	the bill is offered for introduction or reception.	
19	(2) Failure to override a veto does not constitute	
20	final 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. (1) No motion affecting a bill is in order on	
25	its first reading except as provided in Joint Rule 6-6(5).	



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

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

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

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

15 D. Amendments and Substitute Bills

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

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

24 6-16. A committee may recommend that every clause in a  
 25 bill be changed and that entirely new matter be substituted

1 so long as the new matter is relevant to the title and  
 2 subject of the original bill. A substitute bill shall be  
 3 considered as an amendment and not as a new bill.

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

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

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

1 incorporated into the copies. If the bill has been returned  
 2 from a committee without amendments, only the first sheet  
 3 need be reproduced on yellow paper, and the remainder of the  
 4 text incorporated by reference to the preceding version of  
 5 the entire bill. Bills referred to the Bills Committee of  
 6 the house of origin for reproduction must be reported within  
 7 3 days unless further time is granted by that house.

8 E. Engrossing and Enrolling

9 6-20. (1) When a bill has been reported favorably by  
 10 Committee of the Whole of the house of origin and the report  
 11 has been adopted, the bill shall be engrossed under the  
 12 direction of the Bills Committee, and when reported  
 13 correctly engrossed by the committee shall be placed on the  
 14 calendar for third reading on the succeeding legislative  
 15 day. Committee of the Whole amendments shall be included in  
 16 the engrossed bill. Copies of the engrossed bill to be  
 17 distributed to legislators will be reproduced on blue paper.  
 18 If a bill is unamended by the Committee of the Whole and  
 19 contains no clerical errors, it may be engrossed without  
 20 reprinting, and only the first sheet need be reproduced on  
 21 blue paper, with the remainder of the text incorporated by  
 22 reference to the preceding version of the entire bill.

23 (2) If a bill is amended by the standing committee or  
 24 Committee of the Whole in the second house, the amendments  
 25 will be included in a salmon-colored reference bill and

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

6 6-21. (1) When a bill has passed both houses, it shall  
 7 be enrolled under the direction of the Bills Committee of  
 8 the house of origin. An original and two duplicate printed  
 9 copies of the bill shall be enrolled, free from all  
 10 corrections and errors, with a margin of two inches at the  
 11 top and one inch on each side. In sections amending existing  
 12 statutes, new matter shall be underlined and stricken matter  
 13 shall be omitted. The original and two copies of the bill  
 14 shall be red lined. The history of the bill shall also be  
 15 enrolled and placed with the bill in a white manuscript  
 16 cover, upon which is written the number of the bill and the  
 17 title. The Legislative Council staff shall file a copy of  
 18 the history with the law library.

19 (2) When the enrolling has been completed, the bill  
 20 shall be examined by the sponsor and the Bills Committee and  
 21 reported correctly enrolled.

22 (3) The correctly enrolled bill shall be delivered to  
 23 the presiding officer of the house in which the bill  
 24 originated. The presiding officer shall sign the original  
 25 and two copies of each bill delivered to him not later than

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

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

18 (5) The original and two copies signed by the  
 19 presiding officer of each house shall be presented by the  
 20 Bills Committee to the Governor. The Bills Committee shall  
 21 take a receipt from the Governor and shall report to the  
 22 house the day and hour of such presentation, which shall be  
 23 entered in the journal. The original shall be filed with the  
 24 Secretary of State. Signed copies with chapter numbers  
 25 assigned pursuant to section 5-11-204, MCA, shall be filed

1 with the Clerk of the Supreme Court and the Legislative  
 2 Council.

3 F. Second Reading -- Committee of the Whole

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

17 6-23. (1) Every bill considered in Committee of the  
 18 Whole shall be read by a summary of its title. Proposed  
 19 amendments shall be considered; then the bill shall be  
 20 considered in its entirety.

21 (2) All Committee of the Whole amendments shall be  
 22 prepared and delivered to the clerk for reading before the  
 23 amendment is voted on. The amendment form will include the  
 24 date and time of the amendment. Each rejected proposed  
 25 amendment shall be identified and kept in the office of the

1 Chief Clerk of the House or the Secretary of the Senate.  
 2 Upon adjournment, the text of such amendments shall be  
 3 delivered to the state archives.

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

7 6-25. When a Committee of the Whole report on a bill is  
 8 rejected, the bill shall remain on second reading.

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

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

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

23 again.

24 (2) The committee may not appoint subcommittees.

25 (3) The committee may not punish its members for

1 misconduct, but may report disorder to the house concerned.

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

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

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

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

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

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

1 second prior to debate in Committee of the Whole; and the  
 2 third prior to final passage. No bill shall receive more  
 3 than one reading on the same day except on the last  
 4 legislative day. No amendment may be offered on the third  
 5 reading.

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

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

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

25 (4) If the Legislature is not in session when the

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

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

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

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

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

1 Governor's recommendations.

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

5 (3) If both houses disapprove the Governor's  
6 recommendations, the bill shall be returned to the Governor  
7 for his reconsideration.

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

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

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

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

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

1 transmitted to the House of Representatives, the Chief Clerk  
2 of the House shall give a dated receipt to the Secretary of  
3 the Senate.

4 6-34. (1) No bill, except for appropriation bills,  
5 revenue bills, or amendments considered by joint committee,  
6 need be acted upon (save for reference to a committee by the  
7 presiding officer) if transmitted from one house to the  
8 other after the 45th legislative day, but shall be held  
9 pending in the house to which it is transmitted unless  
10 two-thirds of the members present and voting determine that  
11 the bill shall be acted upon. Amendments, except to  
12 appropriation bills and revenue bills, shall likewise be  
13 deferred for consideration if transmitted after the 70th  
14 legislative day.

15 (2) A revenue bill is one which would either increase  
16 or decrease tax collections.

17 (3) Revenue bills ORIGINATING IN THE SENATE shall be  
18 transmitted to the other-house HOUSE on or before the 72nd  
19 ~~57TH~~ 58TH day, unless two-thirds of the members present and  
20 voting in the House RECEIVING HOUSE determine that the bill  
21 may be transmitted after the 72nd ~~57TH~~ 58TH day. Amendments  
22 ~~to such bills shall be transmitted on or before the 81st day~~  
23 ~~unless two-thirds of the members present and voting in the~~  
24 ~~receiving house determine that such an amendment may be~~  
25 ~~transmitted after the 81st day~~ HOUSE AMENDMENTS TO SUCH

1 BILLS SHALL BE TRANSMITTED BY THE HOUSE TO THE SENATE ON OR  
 2 BEFORE THE 83RD DAY UNLESS TWO-THIRDS OF THE MEMBERS PRESENT  
 3 AND VOTING IN THE SENATE DETERMINE THAT SUCH AN AMENDMENT  
 4 MAY BE TRANSMITTED AFTER THE 83RD DAY. REVENUE BILLS  
 5 ORIGINATING IN THE HOUSE SHALL BE TRANSMITTED TO THE SENATE  
 6 ON OR BEFORE THE 65TH DAY UNLESS TWO-THIRDS OF THE MEMBERS  
 7 PRESENT AND VOTING IN THE SENATE DETERMINE THAT THE BILL MAY  
 8 BE TRANSMITTED AFTER THE 65TH DAY. SENATE AMENDMENTS TO  
 9 HOUSE REVENUE BILLS SHALL BE TRANSMITTED BY THE SENATE TO  
 10 THE HOUSE ON OR BEFORE THE 83RD DAY UNLESS TWO-THIRDS OF THE  
 11 MEMBERS PRESENT AND VOTING IN THE HOUSE DETERMINE THAT SUCH  
 12 AMENDMENTS MAY BE TRANSMITTED AFTER THE 83RD DAY.

13 (4) Appropriation bills and any bill implementing  
 14 provisions of a general appropriation bill shall be  
 15 transmitted to the Senate on or before the 68th 72ND day  
 16 unless two-thirds of the members present and voting in the  
 17 Senate determine that the bill may be transmitted after the  
 18 68th 72ND day. Senate amendments to such bills shall be  
 19 transmitted by the Senate to the House on or before the 81st  
 20 83RD legislative day unless two-thirds of the members  
 21 present and voting in the House determine that such an  
 22 amendment may be transmitted after the 81st 83RD day.

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

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

3 (6) A joint resolution introduced for the purpose of  
 4 estimating revenue available for appropriation by the  
 5 Legislature shall be transmitted not later than the 80th  
 6 67TH day. Amendments to such resolutions shall be  
 7 transmitted to the house of origin not later than the 85th  
 8 83RD day.

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

#### 13 I. Fiscal Notes

14 6-36. (1) All bills reported out of a committee of the  
 15 Legislature having an effect on the revenues, expenditures,  
 16 or fiscal liability of the state, except appropriation  
 17 measures carrying specific dollar amounts, shall include a  
 18 fiscal note incorporating an estimate of such effect. The  
 19 Legislative Council staff shall indicate at the top of each  
 20 bill prepared for introduction that a fiscal note may be  
 21 necessary under this rule. Fiscal notes shall be requested  
 22 by the presiding officer of either house, who at the time of  
 23 introduction shall determine the need for the note, based on  
 24 the Legislative Council staff recommendation.

25 (2) Unless the requestor directs otherwise, the

1 Legislative Council shall deliver three copies of any bill  
 2 for which it has been determined a fiscal note may be  
 3 necessary to the Budget Director immediately after the bill  
 4 has been delivered to the requestor prepared for  
 5 introduction. The Budget Director may proceed with the  
 6 preparation of a fiscal note in anticipation of a subsequent  
 7 formal request.

8 (3) The state Budget Director, in cooperation with the  
 9 agency or agencies affected by the bill, is responsible for  
 10 the preparation of the fiscal note and shall return the same  
 11 within 6 days, unless further time is granted by the  
 12 presiding officer or committee making the request, based  
 13 upon a written statement from the Budget Director that  
 14 additional time is necessary to properly prepare the note.

15 (4) A completed fiscal note shall be submitted by the  
 16 Budget Director to the presiding officer who requested it,  
 17 who shall refer it to the committee considering the bill.  
 18 All fiscal notes shall be reproduced and placed on the  
 19 members' desks.

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

1 (6) A fiscal note also may be requested on a bill and  
 2 on an amendment by:

3 (a) a committee considering the bill; or

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

7 (c) the chief sponsor through the presiding officer.

8 (7) The Budget Director shall make available on  
 9 request to any member of the Legislature all background  
 10 information used in developing a fiscal note (Title 5,  
 11 chapter 4, part 2, MCA).

12 6-37. (1) If a sponsor elects to prepare a sponsor's  
 13 fiscal note pursuant to 5-4-204, MCA, he shall make the  
 14 election as provided in 5-4-204(1)(c), MCA, and return the  
 15 completed sponsor's fiscal note to the presiding officer  
 16 within 4 days of such election.

17 (2) The presiding officer may grant additional time to  
 18 the sponsor to prepare the sponsor's fiscal note.

19 (3) Upon receipt of the completed sponsor's fiscal  
 20 note, the presiding officer shall refer it to the committee  
 21 hearing the bill. If the bill is printed, the note must be  
 22 identified as a sponsor's fiscal note, reproduced, and  
 23 placed on the members' desks.

24 (4) The Legislative Council shall provide forms for  
 25 preparation of sponsors' fiscal notes and shall print the



1 completed sponsors' fiscal notes on a different color paper  
2 than the fiscal notes prepared by the budget director.

### 3 CHAPTER 7

#### 4 Committees

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

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

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

24 7-4. All committees, joint committees, and  
25 subcommittees shall keep minutes of their meetings. The

1 chairman of each such committee must designate a secretary  
2 to take and transcribe minutes. The chairman must  
3 authenticate the minutes by his signature. At the close of  
4 the session, the chairman shall turn the original and two  
5 complete copies of the minutes over to the Chief Clerk of  
6 the House or the Secretary of the Senate. The original  
7 minutes shall be delivered to the Montana Historical  
8 Society. The Legislative Council and the Montana State Law  
9 Library shall each be given one copy of the minutes.

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

15 7-6. (1) All bills providing for an appropriation of  
16 public money may first be considered by a joint committee  
17 composed of the members of the Senate Committee on Finance  
18 and Claims and the House Committee on Appropriations, and  
19 then by each separately. Meetings of the joint committee  
20 shall be held upon call of the chairman of the House  
21 Committee on Appropriations, who shall be chairman of the  
22 joint committee.

23 (2) There shall be a joint committee composed of  
24 members of the House and Senate Committees on Taxation. The  
25 joint committee shall consider any resolution introduced for

1 the purpose of estimating revenue that may be available for  
 2 appropriation by the Legislature. The joint committee shall  
 3 be composed of three members from each political party in  
 4 each house appointed by the chairmen of the respective  
 5 Committees on Taxation. Meetings of the joint committee  
 6 shall be held upon the call of the chairman of the joint  
 7 committee, who shall be a member of the House. The joint  
 8 committee shall issue periodic reports to each of the  
 9 houses, indicating the committee's current revenue  
 10 projections. Such reports shall be issued on the 40th day,  
 11 AND the 63rd day and the 67th 60TH day.

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

18 7-8. (1) If either house requests a conference and  
 19 appoints a committee for the purpose of discussing an  
 20 amendment on which the Senate and the House of  
 21 Representatives cannot agree, the other house shall appoint  
 22 a committee for the same purpose. The time and place of all  
 23 conference committee meetings shall be agreed upon by their  
 24 chairmen and be announced from the rostrum. This  
 25 announcement is in order at any time. Failure to make this

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

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

12 7-9. In joint committees other than THE RULES AND  
 13 conference committees, members vote individually and not by  
 14 houses. Because THE RULES AND conference committees are  
 15 joint meetings of separate committees, in conference SUCH  
 16 committees the committees from each house vote separately. A  
 17 majority of each committee must agree before any action may  
 18 be taken unless otherwise specified by individual house  
 19 rules.

20 7-10. (1) Conference committee reports must give  
 21 clerical instructions for enrolling by referring to the  
 22 reference bill version.

23 (2) When a conference committee report is filed with  
 24 the Secretary of the Senate or the Chief Clerk of the House,  
 25 the same shall be read under Order of Business No. 3, select

1 committees, and placed on the calendar for consideration on  
 2 second reading. If recommended favorably by the Committee of  
 3 the Whole, it may be considered on third reading the same  
 4 legislative day. On the final legislative day a conference  
 5 committee report shall be placed on the calendar for  
 6 immediate consideration on second reading and shall be  
 7 further considered on third reading the same legislative  
 8 day. If a conference committee report is adopted on third  
 9 reading and the bill is of a type requiring more than a  
 10 majority vote for passage, the bill shall again be placed on  
 11 third reading in each house. This third reading vote must be  
 12 used to determine if the required number of votes has been  
 13 cast.

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

20 7-12. A committee block scheduling system will be  
 21 implemented in the Senate and the House of Representatives.  
 22 The schedule will be coordinated between houses and will be  
 23 adjusted according to the Legislature's workload.

24 CHAPTER 8  
 25 Rules and Journal

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

5 8-2. (1) The proceedings of each house which shall be  
 6 entered on its journal include:

7 (a) the number of each bill when it is introduced and  
 8 subsequently considered;

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

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

13 (d) committee reports;

14 (e) roll call votes;

15 (f) messages from the Governor and the other house;

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

18 (2) The title of each bill shall be listed in the  
 19 index of the permanent journals.

20 8-3. The Bills and Journal Committee of each house  
 21 shall supply the Legislative Council with the contents of  
 22 the daily journal to be stored on an automated system. The  
 23 committee shall examine its journal, distribute a daily  
 24 journal to all legislators, order correction of any errors,  
 25 and report each legislative day immediately after roll call.

1 8-4. The journal of the Senate must be authenticated by  
2 the signature of the President, and the journal of the House  
3 of Representatives, by the signature of the Speaker. The  
4 distribution of the completed journals shall be made by the  
5 Legislative Council (sections 5-11-201 through 5-11-203,  
6 MCA).

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

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

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

20 8-6. Mason's Manual of Legislative Procedure governs  
21 the proceedings of the Senate and the House of  
22 Representatives in all cases not covered by these rules.

23 8-7. The Legislative Council shall codify and publish  
24 in one volume the rules of the Senate, the rules of the  
25 House of Representatives, and the joint rules of the Senate

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

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

13 (1) One complete set of the proceedings of any regular  
14 session, \$475; an additional \$150 is required for mailing.

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

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

20	1-5 pages.....	\$.25
21	6-15 pages.....	\$.50
22	16-40 pages.....	\$1.00
23	41-100 pages.....	\$1.50
24	101-200 pages.....	\$2.00
25	Over 200 pages.....	\$4.00

1 Copies of enacted bills.....cost of  
2 reproduction.

3 CHAPTER 9

4 Voting Procedure

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

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

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

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

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

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

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

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

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

16 9-8. Two members may pair on a measure that will be  
17 determined by a majority vote. On a measure requiring a  
18 two-thirds vote for adoption, three members may pair, with  
19 two members for the measure and one member against. Pairing  
20 is permitted only when one of the paired members is excused  
21 when the vote is taken.

22 9-9. An agreement to pair must be in writing and dated  
23 and signed by the members agreeing to be bound, and must  
24 specify the duration of the pair. When an agreement to pair  
25 is filed with the Secretary of the Senate or the Chief Clerk

1 of the House of Representatives, it shall bind the members  
 2 signing until the expiration of time for which it was  
 3 signed, unless the paired members sooner appear and ask that  
 4 the agreement be cancelled.

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

24 CHAPTER 10  
 25 Consent Calendar

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

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

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

16 (3) Legislation shall be immediately posted (as soon  
 17 as it is received as a third reading version) on the consent  
 18 calendar and must remain there for 1 legislative day before  
 19 consideration under Order of Business No. 11, special orders  
 20 of the day. At that time, the presiding officer will  
 21 announce consideration of the consent calendar and allow  
 22 "reasonable time" for questions and answers upon request. No  
 23 debate will be allowed.

24 (4) Any three members may submit written objections,  
 25 and the legislation must then be removed from the consent

1 calendar and added to the regular second reading board.

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

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

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

9 CHAPTER 11

10 Statement of Legislative Intent

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

22 11-2. Limitation. A statement of intent may not  
23 accompany any bill that does not statutorily require one  
24 unless a committee (standing committee, Committee of the  
25 Whole or conference committee) agrees by a two-thirds vote

1 to attach the statement.

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

4 (1) Statements of intent are required for bills  
5 delegating new rulemaking or licensing authority.

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

9 (3) The statement shall be stored on ALTER, printed,  
10 and reproduced on paper of the same color and in the same  
11 manner as the bill, and shall be attached to the bill. The  
12 statement shall be reproduced on paper of the same color as  
13 the bill and attached to the bill on all subsequent  
14 reproductions of the bill.

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

19 11-5. Conference committee on intent only. (1) When  
20 the second house concurs in a bill without amendments but  
21 amends or supersedes a previous statement of intent, the  
22 bill may not be enrolled until both houses have agreed on a  
23 statement of intent. If the statement is attached to a bill  
24 that does not statutorily require one, the conference  
25 committee can delete the statement in its entirety.

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

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

-End-

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9 ,+27855A-P  
10 ,+37855A-L  
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