

**TENTATIVE AGENDA**

**August 23, 2012**

**1:00 p.m., Room 102, State Capitol**

**Public comment may also be taken upon request after an agenda item.**

- 1:00 p.m. Call to Order - Roll call -- Presiding Officer
- 1:05 p.m. Review Rule Change Proposals (LC 5656, LC5657, LC 5658)
- 2:30 p.m. Review Legal Review Process for Bills
- 3:00 p.m.. Public Comment on any matter not contained on this agenda and that is within the jurisdiction of the Rules Subcommittee
- 3:15 p.m. Adjourn

**BILL DRAFT CHECKLIST REPORT**

- LC0001 -

LC No. 0001 Short Title: General revision of equipment tax

Drafter: Martin, Jeff

Date of Request: 08/13/2009

Requester: Zinke, Ryan

By request of:

Subjects assigned: Revenue, State  
 Taxation--Property  
 Revenue, Local  
 Rule Making

Applies to Requester Limit: NO

BR# 1

Review		
	Initials	Date
Draft Completed	_____	_____
Legal	_____	_____
Editor	_____	_____
Drafter	_____	_____
Text Processing	_____	_____
Drafter	_____	_____
Executive Director	_____	_____

Redo						
	Init	Dt	Init	Dt	Init	Dt
Drafter						
Legal						
Editor						
Drafter						
Text Processing						
Drafter						
Executive Director						

### Bill Drafter Checklist

**Drafter: Martin, Jeff** Phone: \_\_\_\_\_

Note: Each question on the checklist calls for a "yes", "no", or "N/A" response. Section number references are to the Bill Drafting Manual.

- 1 - Conformity with state and federal Constitutions considered (section 1-2)? **Make note of concerns below.**  
comments \_\_\_\_\_
- 2 - Existing Montana statutes reviewed to avoid conflicts, duplication, or confusion (section 1-4)? \_\_\_\_\_
- 3 - Internal references checked (section 1-8)? \_\_\_\_\_
- 4 - Title contains one subject clearly expressed (section 4-4)? \_\_\_\_\_
- 5 - Code placement and applicability considered: codification instruction included in draft or message to codifier attached (section 4-19, Appendix Q)? \_\_\_\_\_
- 6 - Fiscal note may be required / probable (section 6-1)? \_\_\_\_\_
- 7 - Local government fiscal impact (section 6-2)? \_\_\_\_\_
- 8 - Fiscal impact requiring July 1 effective date (sections 4-26, 6-1)? \_\_\_\_\_
- 9 - Appropriations (section 6-1)? \_\_\_\_\_
- 10 - Revenue (section 6-1)? \_\_\_\_\_
- 11 - If state agency or committee bill, is "By Request" line included (section 4-3(4))? \_\_\_\_\_
- 12 - Note attached indicating source of draft (e.g., model act, other state statute, etc.) (section 1-7)? \_\_\_\_\_
- 13 - Tribal notification required (section 1-3)? \_\_\_\_\_
- 14 - Short bill title revised to reflect draft (section 4-4(11))? \_\_\_\_\_
- 15 - Changed/Added bill subjects (including fiscal note, revenue, local government impact, constitutional amendment)? \_\_\_\_\_
- 16 - Grants or extends rulemaking authority (section 6-3)? \_\_\_\_\_

**Executive Director's Review:**

<input type="checkbox"/> FISCAL NOTE REQUIRED	<input type="checkbox"/> REFERENDUM
<input type="checkbox"/> APPROPRIATION	<input type="checkbox"/> PREINTRODUCTION REQUIRED
<input type="checkbox"/> REVENUE	<input type="checkbox"/> LOCAL GOVERNMENT FISCAL IMPACT
<input type="checkbox"/> CONSTITUTIONAL AMENDMENT	<input type="checkbox"/> LEGISLATIVE APPOINTMENT REQUIRED

Drafter's Notes (contacts, changes, discussions, etc.):

## CONFORMITY WITH STATE AND FEDERAL CONSTITUTIONS

As required pursuant to 5-11-112(1)(c), MCA, it is the Legislative Services Division's statutory responsibility to conduct "legal review of draft bills". The comments noted below regarding conformity with state and federal constitutions are provided to assist the Legislature in making its own determination as to the constitutionality of the bill. The comments are based on an analysis of relevant state and federal constitutional law as applied to the bill. The comments are not written for the purpose of influencing whether the bill should become law, but are written to provide information relevant to the Legislature's consideration of this bill. The comments are not a substitute for the judgment of the judiciary, which has the authority to determine the constitutionality of a law in the context of a specific case.

Drafter Comments:

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LC5656

1                   \*\*\*\* Joint Resolution No. \*\*\*\*

2                   Introduced By \*\*\*\*\*

3                   By Request of the \*\*\*\*\*

4  
5           A Joint Resolution of the Senate and the House of Representatives  
6           of the State of Montana adopting the joint legislative rules.

7  
8           NOW, THEREFORE, 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                               **JOINT RULES OF THE MONTANA**

12                               **SENATE AND HOUSE OF REPRESENTATIVES**

13                               **CHAPTER 10**

14                               **Administration**

15               **10-10. Time of meeting.** Each house may order its time of  
16               meeting.

17               **10-20. Legislative day -- duration.** (1) If either house is  
18               in session on a given day, that day constitutes a legislative  
19               day.

20               (2) A legislative day for a house ends either 24 hours  
21               after that house convenes for the day or at the time the house  
22               convenes for the following legislative day, whichever is earlier.

23               **10-30. Schedules.** The presiding officer of each house shall  
24               coordinate its schedule to accommodate the workload of the other  
25               house.

26               **10-40. Adjournment -- recess -- meeting place.** A house may  
27               not, without the consent of the other, adjourn or recess for more

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1 than 3 days or to any place other than that in which the two  
2 houses are sitting (Montana Constitution, Art. V, Sec. 10(5)).  
3 The procedure for obtaining consent is contained in Joint Rule  
4 20-10.

5 **10-50. Access of media -- registration -- decorum --**

6 **sanctions.** (1) Subject to the presiding officer's discretion on  
7 issues of decorum and order, a registered media representative  
8 may not be prohibited from photographing, televising, or  
9 recording a legislative meeting or hearing.

10 (2) The presiding officer shall authorize the issuance of  
11 cards to media representatives to allow floor access, and media  
12 representatives holding the cards are subject to placement on the  
13 floor by the presiding officer. The presiding officer may  
14 delegate enforcement of this rule to the office of the Secretary  
15 of the Senate, Chief Clerk of the House, the respective  
16 Sergeant-at-Arms, or the Legislative Information Officer. The  
17 privilege may be revoked or suspended for a violation of decorum  
18 and order as agreed to by the media representative upon  
19 application for registration.

20 (3) Registered media representatives may be subject to  
21 seating in designated areas. Overflow access will be in the  
22 gallery.

23 **10-60. Conflict of interest.** A member who has a personal or  
24 private interest in any measure or bill proposed or pending  
25 before the Legislature shall disclose the fact to the house to  
26 which the member belongs. (section 2-2-112, MCA)

27 **10-70. Telephone calls and internet access. (1)**

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1 Long-distance telephone calls made by a member while the  
2 Legislature is in session or while the member is in travel status  
3 are considered official legislative business. These include but  
4 are not limited to calls made to constituencies, places of  
5 business, and family members. A member's access to the internet  
6 through a permissible server is a proper use of the state  
7 communication system if the use is for legislative business or is  
8 within the scope of permissible use of long-distance telephone  
9 calls.

10 (2) Session staff, including aides and interns, may use  
11 telephones for long-distance calls only if specifically  
12 authorized to do so by their legislative sponsor or supervisor.  
13 Sponsoring members and supervisors are accountable for use of  
14 state telephones and internet access by their staff, including  
15 aides and interns, and may not authorize others to use state  
16 phones or state servers to access the internet.

17 (3) Permanent staff of the Legislature shall comply with  
18 executive branch rules applying to the use of state telephones.

19 **10-80. Joint employees.** The presiding officers of each  
20 house, acting together, shall:

21 (1) hire joint employees; and

22 (2) review a dispute or complaint involving the competency  
23 or decorum of a joint employee, and dismiss, suspend, or retain  
24 the employee.

25 **10-85. Harassment prohibited -- reporting.** (1) Legislators  
26 and legislative employees have the right to work free of  
27 harassment on account of race, color, sex, culture, social origin

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1 or condition, or religious ideas when performing services in  
2 furtherance of legislative responsibilities, whether the offender  
3 is an employer, employee, legislator, lobbyist, or member of the  
4 public.

5 (2) A violation of this policy must be reported to the  
6 party leader in the appropriate house if the offended party is a  
7 legislator or to the presiding officer if the offended party is  
8 the party leader. The presiding officer may refer the matter to  
9 the rules committee of the applicable house, and the offender is  
10 subject to discipline or censure, as appropriate.

11 (3) If the offended party is an employee of the house of  
12 representatives or the senate, the violation must be reported to  
13 the employee's supervisor or, if the offender is the supervisor  
14 for the house of representatives or the senate, the report should  
15 be made to the chief clerk of the house of representatives or to  
16 the secretary of the senate, as appropriate. If the offended  
17 party is a permanent legislative employee, the report should be  
18 made to the employee's supervisor or, if the offender is the  
19 supervisor, to the appropriate division director. If the  
20 offender is a division director, the report should be made to the  
21 presiding officer of the appropriate statutory committee.

22 (4) If the offended party is a supervisor for the house of  
23 representatives or the senate, the violation must be reported to  
24 the chief clerk of the house of representatives or to the  
25 secretary of the senate, as appropriate. If the offended party  
26 is a supervisor of permanent legislative employees, the violation  
27 must be reported to the appropriate division director. If the

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1 offender is a division director, the report should be made to the  
2 presiding officer of the appropriate statutory committee.

3 (5) The chief clerk or the secretary shall report the  
4 violation to the presiding officer. The presiding officer may  
5 refer the matter to the rules committee. If the offender is an  
6 employee or supervisor, the employee or supervisor is subject to  
7 discipline or discharge.

8 **10-90. Legislative interns.** Qualifications for legislative  
9 interns are specified in Title 5, chapter 6, MCA.

10 **10-100. Legislative Services Division.** (1) The staff of the  
11 Legislative Services Division shall serve both houses as  
12 required.

13 (2) Staff members shall:

14 (a) maintain personnel files for legislative employees; and

15 (b) prepare payrolls for certification and signature by the  
16 presiding officer and prepare a monthly financial report.

17 (3) The Legislative Services Division shall train journal  
18 clerks for both houses.

19 **10-120. Engrossing and enrolling staff -- duties.** (1) The  
20 Legislative Services Division shall provide all engrossing and  
21 enrolling staff.

22 (2) The duties of the engrossing and enrolling staff are:

23 (a) to engross or enroll any bill or resolution delivered  
24 to them within 48 hours after it has been received, unless  
25 further time is granted in writing by the presiding officer of  
26 the house in which the bill originated; and

27 (b) to correct clerical errors, absent the objection of the



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1 sponsor of a bill, resolution, or amendment and the Secretary of  
2 the Senate or the Chief Clerk of the House of Representatives in  
3 any bill or amendment originating in the house by which the Clerk  
4 or Secretary is employed. The following kinds of clerical errors  
5 may be corrected:

6 (i) errors in spelling;

7 (ii) errors in numbering sections;

8 (iii) additions or deletions of underlining or lines through  
9 matter to be stricken;

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

12 (v) errors in outlining or in internal references;

13 (vi) an error in a title caused by an amendment;

14 (vii) an error in a catchline caused by an amendment;

15 (viii) errors in references to the Montana Code Annotated;

16 and

17 (ix) other nonconformities of an amendment with Bill  
18 Drafting Manual form.

19 (3) The engrossing and enrolling staff shall give notice in  
20 writing of the clerical correction to the Secretary of the Senate  
21 or the Chief Clerk of the House, who shall give notice to the  
22 sponsor of the bill or amendment. The form must be filed in the  
23 office of the amendments coordinator. A party receiving notice  
24 may register an objection to the correction by filing the  
25 objection in writing with the Secretary of the Senate or the  
26 Chief Clerk of the House by the end of the next legislative day  
27 following receipt of the notice. The Senate or House shall vote

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1 on whether or not to uphold the objection. If the objection is  
2 upheld, the Secretary of the Senate or the Chief Clerk of the  
3 House shall notify the Executive Director of the Legislative  
4 Services Division, and the engrossing staff shall change the bill  
5 to remove the correction or corrections to which the objection  
6 was made.

7 (4) For the purposes of this rule, "engrossing" means  
8 placing amendments in a bill.

9 **10-130. Bills -- sponsorship -- style -- format --**  
10 **withdrawal prohibited.** (1) A bill must be sponsored by a member  
11 of the Legislature.

12 (2) A bill must be:

13 (a) printed on paper with numbered lines;

14 (b) numbered at the foot of each page (except page 1);

15 (c) backed with a page of substantial material that  
16 includes spaces for notations for tracking the progress of the  
17 bill; and

18 (d) introduced. Introduction constitutes the first reading  
19 of the bill.

20 (3) In a section amending an existing statute, matter to be  
21 stricken out must be indicated with a line through the words or  
22 part to be deleted, and new matter must be underlined.

23 (4) Sections of the Montana Code Annotated repealed or  
24 amended in a bill must be stated in the title.

25 (5) Introduced bills must be reproduced on white paper and  
26 distributed to members.

27 (6) An introduced bill may not be withdrawn.

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1           **10-140. Voting on bills -- constitutional amendments.** (1) A  
2 bill may not become a law except by vote of the constitutionally  
3 required majority of all the members present and voting in each  
4 house (Montana Constitution, Art. V, Sec. 11(1)). On final  
5 passage, the vote must be taken by ayes and noes and the names of  
6 those voting entered on the journal (Montana Constitution, Art.  
7 V, Sec. 11(2)).

8           (2) Any vote in one house on a bill proposing an amendment  
9 to The Constitution of the State of Montana under circumstances  
10 in which there exists the mathematical possibility of obtaining  
11 the necessary two-thirds vote of the Legislature will cause the  
12 bill to progress as though it had received the majority vote.

13           (3) This rule does not prevent a committee from tabling a  
14 bill proposing an amendment to The Constitution of the State of  
15 Montana.

16           **10-150. Recording and publication of voting.** (1) Every vote  
17 of each member on each substantive question in the Legislature,  
18 in any committee, or in Committee of the Whole must be recorded  
19 and made available to the public. On final passage of any bill  
20 or joint resolution, the vote must be taken by ayes and noes and  
21 the names entered on the journal.

22           (2) (a) Roll call votes must be taken by ayes and noes and  
23 the names entered on the journal on ~~adopting an adverse committee~~  
24 ~~report and on~~ those motions made in Committee of the Whole to:

- 25           (i) amend;  
26           (ii) recommend passage or nonpassage;  
27           (iii) recommend concurrence or nonconcurrence; or

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1 (iv) indefinitely postpone.

2 (b) The text of all proposed amendments in Committee of the  
3 Whole must be recorded.

4 (3) A roll call vote must be taken on nonsubstantive  
5 questions on the request of two members who may, on any vote,  
6 request that the ayes and noes be spread upon the journal.

7 (4) Roll call votes and other votes that are to be made  
8 public but are not specifically required to be spread upon the  
9 journal must be entered in the minutes of the appropriate  
10 committee or of the appropriate house (Montana Constitution, Art.  
11 V, Sec. 11(2)). A copy of the minutes must be filed with the  
12 Montana Historical Society. If electronically recorded minutes  
13 are kept for a committee, a written log conforming to section  
14 2-3-212(2), MCA, must also be kept.

15 **10-160. Journal.** Each house shall:

16 (1) supply the Legislative Services Division with the  
17 contents of the daily journal to be stored on an automated  
18 system;

19 (2) examine its journal and order correction of any errors;  
20 and

21 (3) make a daily journal available to all members.

22 **10-170. Journals -- authentication -- availability.** (1) The  
23 journal of the Senate must be authenticated by the signature of  
24 the President and the journal of the House of Representatives  
25 must be authenticated by the signature of the Speaker.

26 (2) The Legislative Services Division shall make the  
27 completed journals available to the public (sections 5-11-201

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1 through 5-11-203, MCA).

## 2 CHAPTER 20

### 3 Relations With Other House

4 **20-10. Consent for adjournment or recess.** As required by  
5 Article V, section 10(5), of the Montana Constitution, the  
6 consent of the other house is required for adjournment or recess  
7 for more than 3 calendar days. Consent for adjournment is  
8 obtained by having the house wishing to adjourn send a message to  
9 the other house and having the receiving house vote favorably on  
10 the request. The receiving house shall inform the requesting  
11 house of its consent or lack of consent. Consent is not required  
12 on or after the 87th legislative day.

## 13 CHAPTER 30

### 14 Committees

15 **30-10. Joint committee chair -- exception.** Except as  
16 provided in Joint Rule 30-50 concerning the joint meetings of the  
17 Senate Finance and Claims Committee and the House Appropriations  
18 Committee, the chair of the Senate committee is the chair of all  
19 joint committees.

20 **30-20. Voting in joint committees -- exception.** (1) Except  
21 for Rules Committees and conference committees, a member of a  
22 joint committee votes individually and not by the house to which  
23 the committee member belongs.

24 (2) Because the Rules Committees and conference committees  
25 are joint meetings of separate committees, in those committees  
26 the committees from each house vote separately. A majority of  
27 each committee shall agree before any action may be taken, unless

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1 otherwise specified by individual house rules.

2 **30-30. Conference committees -- subject matter restrictions.**

3 (1) If either house requests a conference committee and appoints  
4 a committee for the purpose of discussing an amendment on which  
5 the two houses cannot agree, the other house shall appoint a  
6 committee for the same purpose. The time and place of all  
7 conference committee meetings must be agreed upon by their chairs  
8 and announced from the rostrum. This announcement is in order at  
9 any time. Failure to make this announcement does not affect the  
10 validity of the legislation being considered. A conference  
11 committee meeting must be conducted as an open meeting, and  
12 minutes of the meeting must be kept.

13 (2) A conference committee, having conferred, shall report  
14 to the respective houses the result of its conference. A  
15 conference committee shall confine itself to consideration of the  
16 disputed amendment. The committee may recommend:

17 (a) acceptance or rejection of each disputed amendment in  
18 its entirety; or

19 (b) further amendment of the disputed amendment.

20 (3) If either house requests a free conference committee  
21 and the other house concurs, appointments must be made in the  
22 same manner as provided in subsection (1). A free conference  
23 committee may discuss and propose amendments to a bill in its  
24 entirety and is not confined to a particular amendment. However,  
25 a free conference committee is limited to consideration of  
26 amendments that are within the scope of the title of the  
27 introduced bill.

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1           **30-40. Conference committee -- enrolling.** A conference  
2 committee report must give clerical instructions for a corrected  
3 reference bill and for enrolling by referring to the reference  
4 bill version.

5           **30-50. Committee consideration of general appropriation**

6 **bills.** (1) All general appropriation bills must first be  
7 considered by a joint subcommittee composed of designated members  
8 of the Senate Finance and Claims Committee and the House  
9 Appropriations Committee, and then by each committee separately.

10           (2) Joint meetings of the House Appropriations Committee  
11 and the Senate Finance and Claims Committee must be held upon  
12 call of the chair of the House Appropriations Committee, who is  
13 chair of the joint committee.

14           (3) The committee chair of the Senate Finance and Claims  
15 Committee or of the House Appropriations Committee may be a  
16 voting member in the joint subcommittees if:

17           (a) either house has fewer members on the joint  
18 subcommittees;

19           (b) the chair represents the house with fewer members on  
20 the subcommittees; and

21           (c) the chair is present for the vote at the time that a  
22 question is called. A vote may not be held open to facilitate  
23 voting by a chair.

24           **30-60. Estimation of revenue.** The Revenue and  
25 Transportation Interim Committee shall introduce a House joint  
26 resolution for the purpose of estimating revenue that may be  
27 available for appropriation by the Legislature. (5-5-227, MCA)

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1           **30-70. Appointment of interim committees.** As provided for  
2 in section 5-5-211(6), MCA, 50% of interim committees must be  
3 selected from the following legislative standing committees:

4           (1) Economic Affairs Interim Committee:

5           (a) Senate Agriculture, Livestock, and Irrigation  
6 Committee;

7           (b) Senate Business, Labor, and Economic Affairs Committee;

8           (c) Senate Finance and Claims Committee;

9           (d) House Agriculture Committee;

10          (e) House Business and Labor Committee;

11          (f) House Federal Relations, Energy, and Telecommunications  
12 Committee; and

13          (g) House Appropriations Committee;

14          (2) Education and Local Government Interim Committee:

15          (a) Senate Education and Cultural Resources Committee;

16          (b) Senate Local Government Committee;

17          (c) Senate Finance and Claims Committee;

18          (d) House Education Committee;

19          (e) House Local Government Committee; and

20          (f) House Appropriations Committee;

21          (3) Children, Families, Health, and Human Services Interim  
22 Committee:

23          (a) Senate Public Health, Welfare, and Safety Committee;

24          (b) Senate Finance and Claims Committee;

25          (c) House Human Services Committee; and

26          (d) House Appropriations Committee;

27          (4) Law and Justice Interim Committee:



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- 1 (a) Senate Judiciary Committee;
- 2 (b) Senate Finance and Claims Committee;
- 3 (c) House Judiciary Committee; and
- 4 (d) House Appropriations Committee;
- 5 (5) Revenue and Transportation Interim Committee:
- 6 (a) Senate Taxation Committee;
- 7 (b) Senate Highways and Transportation Committee;
- 8 (c) Senate Finance and Claims Committee;
- 9 (d) House Taxation Committee;
- 10 (e) House Transportation Committee; and
- 11 (f) House Appropriations Committee;
- 12 (6) State Administration and Veterans' Affairs Interim
- 13 Committee:
- 14 (a) Senate State Administration Committee;
- 15 (b) Senate Finance and Claims Committee;
- 16 (c) House State Administration Committee; and
- 17 (d) House Appropriations Committee;
- 18 (7) Energy and Telecommunications Interim Committee:
- 19 (a) Senate Energy Committee;
- 20 (b) House Federal Relations, Energy, and Telecommunications
- 21 Committee;
- 22 (c) House Appropriations Committee; and
- 23 (d) Senate Finance and Claims Committee.

**CHAPTER 40**

**Legislation**

26 **40-10. Amendment to state constitution.** A bill must be used

27 to propose an amendment to The Constitution of the State of

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1 Montana. The bill is not subject to the veto of the Governor  
2 (Montana Constitution, Art. VI, Sec. 10(1)).

3 **40-20. Appropriation bills -- introduction in House -- feed**  
4 **bill.** (1) All appropriation bills must originate in the House of  
5 Representatives.

6 (2) Appropriation bills for the operation of the  
7 Legislature must be introduced by the chair of the House  
8 Appropriations Committee.

9 **40-30. Effective dates.** (1) Except as provided in  
10 subsections (2) through (4), a statute takes effect on October 1  
11 following its passage and approval unless a different time is  
12 prescribed in the enacting legislation.

13 (2) A law appropriating public funds for a public purpose  
14 takes effect on July 1 following its passage and approval unless  
15 a different time is prescribed in the enacting legislation.

16 (3) A statute providing for the taxation or imposition of a  
17 fee on motor vehicles takes effect on the first day of January  
18 following its passage and approval unless a different time is  
19 prescribed in the enacting legislation.

20 (4) A joint resolution takes effect on its passage unless a  
21 different time is prescribed in the joint resolution (sections  
22 1-2-201 and 1-2-202, MCA).

23 **40-40. Bill requests and introduction -- limits and**  
24 **procedures -- drafting priority -- agency and committee bills.**

25 (1) Prior to a regular session, a person entitled to serve in  
26 that session, referred to as a "member", or a legislative  
27 committee is entitled to request bill drafting services from the

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1 Legislative Services Division. Deadlines for requesting certain  
2 types of bills during a legislative session are contained in  
3 Joint Rule 40-50.

4 (a) Prior to 5 p.m. on December 5 preceding a regular  
5 session of the Legislature, a member may request an unlimited  
6 number of bills and resolutions to be prepared by the Legislative  
7 Services Division for introduction in the regular session.

8 (b) After 5 p.m. on December 5, a member may request no  
9 more than seven bills or resolutions to be prepared by the  
10 Legislative Services Division. At least five of the seven bills  
11 or resolutions must be requested before the regular session  
12 convenes.

13 (c) After December 5, a member, in the member's discretion,  
14 may grant to any other member any of the remaining bill or  
15 resolution requests the granting member has not used. A bill  
16 requested by an individual may not be transferred to another  
17 legislator but may be introduced by another legislator. The  
18 requestor must pick up the bill and sign a receipt indicating  
19 delivery of the bill and may either introduce the bill or give  
20 the bill to another legislator for introduction.

21 (d) These limitations on bill and resolution requests do  
22 not apply to:

23 (i) Code Commissioner bills;

24 (ii) a bill or resolution requested by a standing committee;

25 and

26 (iii) a bill or resolution requested by a member at the  
27 request of a newly elected state official if so designated.

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1           (2) (a) Except as provided in subsection (2)(b) or this  
2 subsection, the staff of the Legislative Services Division shall  
3 work on bill draft requests in the order received. After a  
4 member has requested the drafting of five bills, the sixth bill  
5 request and all subsequent bill requests of that member must  
6 receive a lower drafting priority than all other bills of members  
7 not in excess of five per member. The Speaker of the House, the  
8 minority leader of the House, the President of the Senate, and  
9 the minority leader of the Senate may each direct the staff of  
10 the Legislative Services Division to assign a higher priority to  
11 10 draft requests. The staff of the Legislative Services  
12 Division shall assign a higher priority to any bill draft request  
13 when jointly directed by the President of the Senate, the  
14 minority leader of the Senate, the Speaker of the House, and the  
15 minority leader of the House.

16           (b) Except for bill draft requests described in subsection  
17 (1)(d)(iii), if a draft bill has not been received by the  
18 Legislative Services Division by November 15 for a bill by  
19 request of an agency or entity, the draft loses its priority  
20 under this rule.

21           (3) Bills and resolutions must be reviewed by the staff of  
22 the Legislative Services Division prior to introduction for  
23 proper format, style, and legal form. The staff of the  
24 Legislative Services Division shall store bills on the automated  
25 bill drafting equipment and shall print and deliver them to the  
26 requesting members. The original bill back must be signed to  
27 indicate review by the Legislative Services Division. A bill may

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1 not be introduced unless it is so signed.

2 (4) (a) During a session, a bill may be introduced by  
3 endorsing it with the name of a member and presenting it to the  
4 Chief Clerk of the House of Representatives or the Secretary of  
5 the Senate. Bills or joint resolutions may be sponsored jointly  
6 by Senate and House members. A jointly sponsored bill must be  
7 introduced in the house in which the member whose name appears  
8 first on the bill is a member. The chief joint sponsor's name  
9 must appear immediately to the right of the first sponsor's name,  
10 and the chief sponsor may not be changed. Except as provided in  
11 subsection (4) (b), in each session of the Legislature, bills,  
12 joint resolutions, and simple resolutions must be numbered  
13 consecutively in separate series in the order of their receipt.

14 (b) The first 15 House bills may be reserved for  
15 preintroduced bills.

16 (5) (a) Any bill proposed by an interim or statutory  
17 legislative committee or introduced by request of an  
18 administrative or executive agency or department must be so  
19 indicated by placing after the names of the sponsors the phrase  
20 "By Request of the..... (Name of committee or agency)". The  
21 phrase may not be added to an introduced bill and may not be  
22 placed on a bill whose subject matter was requested by an agency  
23 or statutory or interim committee prior to the convening of the  
24 session. Unless requested by an individual member, a bill draft  
25 request submitted at the request of an agency must be submitted  
26 to, reviewed by, and requested by the appropriate interim or  
27 statutory committee. Except as provided in subsection (5) (b), an

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1 agency or committee bill request must be preintroduced or the  
2 request is canceled. Preintroduction of an agency, committee, or  
3 individual legislator's bill must occur no later than 5 p.m. on  
4 December 15th prior to the convening of a regular legislative  
5 session. Preintroduction is accomplished when the Legislative  
6 Services Division receives a signed preintroduction form.

7 (b) The preintroduction requirement does not apply to an  
8 office held by an elected official during the official's first  
9 year in that office or to bills requested by a joint select or  
10 joint special committee appointed prior to the convening of the  
11 legislative session to address a specific issue.

12 (6) Bills may be preintroduced, numbered, and reproduced  
13 prior to a legislative session by the staff of the Legislative  
14 Services Division. Actual signatures of persons entitled to serve  
15 as members in the ensuing session may be obtained on a consent  
16 form from the Legislative Services Division and the sponsor's  
17 name printed on the bill. Additional sponsors may be added on  
18 motion of the chief sponsor at any time prior to a standing  
19 committee report on the bill. These names will be forwarded to  
20 the Legislative Services Division to be included on the face of  
21 the bill following standing committee approval.

22 **40-50. Schedules for drafting requests and bill**

23 **introduction.** (1) The following schedule must be followed for  
24 submission of drafting requests.

25 Request Deadline

26 5:00 P.M.

27 Legislative Day

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1		
2	● General Bills and Resolutions	12
3	● Revenue Bills	17
4	● Committee Bills and Resolutions	36
5	● Committee Revenue Bills and Bills Proposing Referenda	62
6	● Committee Bills implementing provisions	75
7	of a general appropriation act	
8	● Interim study resolutions	75
9	● Appropriation Bills	No Deadline
10	● Resolutions to express confirmation of	No Deadline
11	appointments	
12	● Bills repealing or directing the amendment	No Deadline
13	or adoption of administrative rules and	
14	joint resolutions advising or requesting	
15	the repeal, amendment, or adoption of	
16	administrative rules	

17 (2) Bills and resolutions must be introduced within 2  
18 legislative days after delivery. Failure to comply with the  
19 introduction deadline results in the bill draft being canceled.

20 **40-60. Joint resolutions.** (1) A joint resolution must be  
21 adopted by both houses and is not approved by the Governor. It  
22 may be used to:

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

25 (b) recognize relations with other governments, sister  
26 states, political subdivisions, or similar governmental entities;

27 (c) request, but not require, a legislative entity to

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1 conduct an interim study;

2 (d) adopt, amend, or repeal the joint rules;

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

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

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

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

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

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

16 (k) approve the organization of a new community college  
17 district under section 20-15-209, MCA.

18 (2) A joint resolution may not be used for purposes of  
19 congratulating or recognizing an individual or group achievement.  
20 Recognition of individual or group achievements is handled on  
21 special orders of the day.

22 (3) Except as otherwise provided in these rules or The  
23 Constitution of the State of Montana, a joint resolution is  
24 treated in all respects as a bill.

25 (4) A copy of every joint resolution must be transmitted  
26 after adoption to the Secretary of State by the Secretary of the  
27 Senate or the Chief Clerk of the House.



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1           **40-65. Appropriation required for bills requesting interim**  
2 **studies.** A bill including a request for an interim study may not  
3 be transmitted to the Governor unless the bill contains an  
4 appropriation sufficient to conduct the study. A fiscal note may  
5 be requested for a bill requesting an interim study if the  
6 appropriation does not appear to be sufficient.

7           **40-70. Bills with same purpose -- vetoes.** (1) A bill may  
8 not be introduced or received in a house after that house, during  
9 that session, has finally rejected a bill designed to accomplish  
10 the same purpose, except with the approval of the Rules Committee  
11 of the house in which the bill is offered for introduction or  
12 reception.

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

15           **40-80. Reproduction of full statute required.** A statute may  
16 not be amended or its provisions extended by reference to its  
17 title only, but the statute section that is amended or extended  
18 must be reproduced or published at length.

19           **40-90. Bills -- original purpose.** A law may not be passed  
20 except by bill. A bill may not be so altered or amended on its  
21 passage through either house as to change its original purpose  
22 (Montana Constitution, Art. V, Sec. 11(1)).

23           **40-100. Fiscal notes.** (1) As provided in Title 5, chapter  
24 4, part 2, MCA, all bills reported out of a committee of the  
25 Legislature having a potential effect on the revenues,  
26 expenditures, or fiscal liability of the state, local  
27 governments, or public schools, except appropriation measures

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1 carrying specific dollar amounts, must include a fiscal note  
2 incorporating an estimate of the fiscal effect. The Legislative  
3 Services Division staff shall indicate at the top of each bill  
4 prepared for introduction that a fiscal note may be necessary  
5 under this rule. Fiscal notes must be requested by the presiding  
6 officer of either house, who, at the time of introduction or  
7 after adoption of substantive amendments to an introduced bill,  
8 shall determine the need for the note, based on the Legislative  
9 Services Division staff recommendation.

10 (2) The Legislative Services Division shall make available  
11 an electronic copy of any bill for which it has been determined a  
12 fiscal note may be necessary to the Budget Director immediately  
13 after the bill has been prepared for introduction and delivered  
14 to the requesting member. The Budget Director may proceed with  
15 the preparation of a fiscal note in anticipation of a subsequent  
16 formal request. A bill with financial implications for a local  
17 government or school district must comply with subsection (4).

18 (3) The Budget Director, in cooperation with the  
19 governmental entity or entities affected by the bill, is  
20 responsible for the preparation of the fiscal note. Except as  
21 provided in subsection (4), the Budget Director shall return the  
22 fiscal note within 6 days unless further time is granted by the  
23 presiding officer or committee making the request, based upon a  
24 written statement from the Budget Director that additional time  
25 is necessary to properly prepare the note.

26 (4) (a) A bill that may require a local government or  
27 school district to perform an activity or provide a service or

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1 facility that requires the direct expenditure of additional funds  
2 without a specific means to finance the activity, service, or  
3 facility in violation of section 1-2-112 or 1-2-113, MCA, must be  
4 accompanied, at the time that the bill is presented for  
5 introduction, by an estimate of all direct and indirect fiscal  
6 impacts on the local government or school district. The estimate  
7 of the fiscal impacts must be prepared by the Budget Director in  
8 cooperation with a local government or school district affected  
9 by the bill.

10 (b) The Budget Director has 10 days to prepare the  
11 estimate. Upon completion of the estimate, the Budget Director  
12 shall submit it to the presiding officer and the chief sponsor of  
13 the bill.

14 (5) A completed fiscal note must be submitted by the Budget  
15 Director to the presiding officer who requested it. The  
16 presiding officer shall notify the bill's chief sponsor of the  
17 completed fiscal note and request the chief sponsor's signature.  
18 The chief sponsor has 1 legislative day after delivery to review  
19 the fiscal note and to discuss the findings with the Budget  
20 Director, if necessary. After the legislative day has elapsed,  
21 all fiscal notes must be reproduced and placed on the members'  
22 desks, either with or without the chief sponsor's signature.

23 (6) A fiscal note must, if possible, show in dollar  
24 amounts:

25 (a) the estimated increase or decrease in revenues or  
26 expenditures;

27 (b) costs that may be absorbed without additional funds;

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1 and

2 (c) long-range financial implications.

3 (7) The fiscal note may not include any comment or opinion  
4 relative to merits of the bill. However, technical or mechanical  
5 defects in the bill may be noted.

6 (8) A fiscal note also may be requested, through the  
7 presiding officer, on a bill and on an amended bill by:

8 (a) a committee considering the bill;

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

11 (c) the chief sponsor.

12 (9) The Budget Director shall make available on request to  
13 any member of the Legislature all background information used in  
14 developing a fiscal note.

15 (10) If a bill requires a fiscal note, the bill may not be  
16 reported from a committee for second reading unless the bill is  
17 accompanied by the fiscal note or, if required, an updated fiscal  
18 note reflecting committee action.

19 **40-110. Sponsor's fiscal note rebuttal.** (1) If a sponsor  
20 elects to prepare a sponsor's fiscal note rebuttal pursuant to  
21 section 5-4-204, MCA, the sponsor shall make the election as  
22 provided and return the completed sponsor's fiscal note rebuttal  
23 form to the presiding officer within 4 days of the election. The  
24 form must identify the bill number, the sponsor of the bill, the  
25 date prepared, the version of the fiscal note being rebutted, the  
26 reasons the sponsor disagrees with the fiscal note, the items or  
27 assumptions in the fiscal note that the sponsor believes are

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1 incorrect, and the sponsor's estimate of the fiscal impact, if an  
2 estimate is available.

3 (2) The presiding officer may grant additional time to the  
4 sponsor for preparation of the sponsor's fiscal note rebuttal.

5 (3) Upon receipt of the completed sponsor's fiscal note  
6 rebuttal form, the presiding officer shall refer it to the  
7 committee hearing the bill. If the bill is printed, the form  
8 must be identified as a sponsor's fiscal note rebuttal,  
9 reproduced, and placed on the members' desks.

10 (4) The Legislative Services Division shall provide forms  
11 for preparation of sponsors' fiscal note rebuttals and shall  
12 print the completed sponsors' fiscal note rebuttal forms on a  
13 different color paper than the fiscal notes prepared by the  
14 Budget Director.

15 **40-120. Substitute bills.** (1) A committee may recommend  
16 that every clause in a bill be changed and that entirely new  
17 material be substituted so long as the new material is relevant  
18 to the title and subject of the original bill. The substitute  
19 bill is considered an amendment and not a new bill.

20 (2) The proper form of reporting a substitute bill by a  
21 committee is to propose amendments to strike out all of the  
22 material following the enacting clause, to substitute the new  
23 material, and to recommend any necessary changes in the title of  
24 the bill.

25 (3) If a committee report is adopted that recommends a  
26 substitute for a bill originating in the other house, the  
27 substitute bill must be printed and reproduced.

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1           **40-130. Reading of bills.** Prior to passage, a bill, other  
2 than a bill requested by a joint select or joint special  
3 committee as provided in 40-40(5)(b), must be read three times in  
4 the house in which it is under consideration. It may be read  
5 either by title or by summary of title. Introduction constitutes  
6 the first reading of the bill.

7           **40-140. Second reading -- bill reproduction.** (1) If the  
8 majority of a house adopts a recommendation for the passage of a  
9 bill originating in that house after the bill has been returned  
10 from a committee with amendments, the bill must be reproduced on  
11 yellow paper with all amendments incorporated into the copies.

12           (2) If a bill has been returned from a committee without  
13 amendments, only the first sheet must be reproduced on yellow  
14 paper, and the remainder of the text may be incorporated by  
15 reference to the preceding version of the entire bill.

16           (3) A bill requested by and heard by a joint select or  
17 joint special committee, as provided in 40-40(5)(b), may be  
18 referred directly to second reading. If the bill is passed by  
19 the house of origin, the bill must be transmitted to the other  
20 house, and if the bill was not amended, it may be placed on  
21 second reading without the need for referral to a committee.

22           **40-150. Engrossing.** (1) When a bill has been reported  
23 favorably by Committee of the Whole of the house in which it  
24 originated and the report has been adopted, the bill must be  
25 engrossed if the bill is amended. Committee of the Whole  
26 amendments must be included in the engrossed bill. If the bill is  
27 not amended, the bill must be sent to printing. The bill must be

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1 placed on the calendar for third reading on the legislative day  
2 after receipt.

3 (2) Copies of the engrossed bill to be distributed to  
4 members are reproduced on blue paper. If a bill is unamended by  
5 the Committee of the Whole and contains no clerical errors, it is  
6 not required to be reprinted. Only the first sheet must be  
7 reproduced on blue paper, with the remainder of the text  
8 incorporated by reference to the preceding version of the entire  
9 bill.

10 (3) If a bill is amended by a standing committee in the  
11 second house, the amendments must be included in a tan-colored  
12 bill and distributed in the second house for second reading  
13 consideration. If the bill is amended in Committee of the Whole,  
14 the amendments must be included in a salmon-colored reference  
15 bill and distributed in the second house for third reading. If  
16 the bill passes on third reading, copies of the reference bill  
17 must be distributed in the original house. The original house  
18 may request from the second house a specified number of copies of  
19 the amendments to be printed.

20 **40-160. Enrolling.** (1) When a bill has passed both houses,  
21 it must be enrolled. An original and two duplicate printed  
22 copies of the bill must be enrolled, free from all errors, with a  
23 margin of two inches at the top and one inch on each side. In  
24 sections amending existing statutes, new matter must be  
25 underlined and deleted matter must be shown as stricken.

26 (2) When the enrolling is completed, the bill must be  
27 examined by the sponsor.

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

14          (4) A bill that has passed both houses of the Legislature  
15          by the 90th day may be:

16               (a) enrolled;

17               (b) clerically corrected by the presiding officers, if  
18          necessary;

19               (c) signed by the presiding officers; and

20               (d) delivered to the Governor or, in the case of a bill  
21          proposing a referendum, to the Secretary of State, not later than  
22          5 working days after the 90th legislative day.

23          (5) All journal entries authorized under this rule must be  
24          entered on the journal for the 90th day.

25          (6) The original and two copies signed by the presiding  
26          officer of each house must be presented to the Governor or the  
27          Secretary of State, as applicable, in return for a receipt. A



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1 report then must be made to the house of the day of the  
2 presentation, which must be entered on the journal.

3 (7) The original must be filed with the Secretary of State.  
4 Signed copies with chapter numbers assigned pursuant to section  
5 5-11-204, MCA, must be filed with the Clerk of the Supreme Court  
6 and the Legislative Services Division.

7 **40-170. Amendment by second house.** (1) Amendments to a bill  
8 by the second house may not be further amended by the house in  
9 which the bill originated, but must be either accepted or  
10 rejected. A bill amended by the second house when the effect of  
11 the combined amendments is to return the bill to the form that  
12 the bill passed the house in which the bill originated is not  
13 considered to have been amended and need not be returned to the  
14 house of origin for acceptance or rejection of the amendments. If  
15 the amendments are rejected, a conference committee may be  
16 requested by the house in which the bill originated. If the  
17 amendments are accepted and the bill is of a type requiring more  
18 than a majority vote for passage, the bill again must be placed  
19 on third reading in the house of origin.

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

23 **40-180. Final action on a bill.** (1) When a bill being heard  
24 by the second house has received its third reading or has been  
25 rejected, the second house shall transmit it as soon as possible  
26 to the original house with notice of the second house's action.

27 (2) A bill that reduces revenue and that contains a

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1 contingent voidness provision may not be transmitted to the  
2 Governor unless there is an identified corresponding reduction in  
3 an appropriation contained in the general appropriations act.

4 **40-190. Transmittal of bills between houses -- referral --**  
5 **hearing.** (1) Each house shall transmit to the other with any  
6 bill all relevant papers.

7 (2) When a House bill is transmitted to the Senate, the  
8 Secretary of the Senate shall give a dated receipt for the bill  
9 to the Chief Clerk of the House. When a Senate bill is  
10 transmitted to the House of Representatives, the Chief Clerk of  
11 the House shall give a dated receipt to the Secretary of the  
12 Senate.

13 (3) Transmitted bills must be referred to committee and  
14 scheduled for hearing.

15 **40-200. Transmittal deadlines -- two-thirds vote**  
16 **requirement.** (1) (a) A bill or amendment transmitted after the  
17 deadline established in this subsection (1) may be considered by  
18 the receiving house only upon approval of two-thirds of its  
19 members present and voting. If the receiving house does not so  
20 vote, the bill or amendment must be held pending in the house to  
21 which it was transmitted.

22 (b) (i) A bill, except for an appropriation bill, a revenue  
23 bill, a bill proposing a referendum, an interim study resolution,  
24 or amendments considered by joint committee, must be transmitted  
25 from one house to the other on or before the 45th legislative  
26 day.

27 (ii) Amendments, except to appropriation bills, committee

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1 bills implementing the general appropriations bill, the revenue  
2 estimating resolution, interim study resolutions, bills proposing  
3 referenda, and revenue bills, must be transmitted from one house  
4 to the other on or before the 73rd legislative day.

5 (c) (i) Revenue bills and bills proposing referenda must be  
6 transmitted to the other house on or before the 71st legislative  
7 day.

8 (ii) Amendments to revenue bills, received from the other  
9 house, must be transmitted to the house of origin on or before  
10 the 82nd legislative day.

11 (iii) A revenue bill is one that either increases or  
12 decreases revenue by enacting, eliminating, increasing, or  
13 decreasing taxes, fees, or fines or by suspending or otherwise  
14 changing the allocation of revenues.

15 (d) (i) Appropriation bills and any bill implementing  
16 provisions of a general appropriation bill must be transmitted to  
17 the Senate on or before the 67th legislative day. A fund  
18 transfer within the state treasury is not an appropriation for  
19 purposes of this section.

20 (ii) Senate amendments to appropriation bills must be  
21 transmitted by the Senate to the House on or before the 80th  
22 legislative day.

23 (2) (a) A joint resolution introduced for the purpose of  
24 estimating revenue available for appropriation by the Legislature  
25 must be transmitted to the Senate no later than the 60th  
26 legislative day.

27 (b) Amendments to the revenue estimating resolution must be

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1 transmitted to the House no later than the 82nd legislative day.

2 (3) Bills repealing or directing the amendment or adoption  
3 of administrative rules and joint resolutions advising or  
4 requesting the repeal, amendment, or adoption of administrative  
5 rules may be transmitted at any time during a session.

6 (4) Interim study resolutions must be transmitted from one  
7 house to the other on or before the 85th legislative day.

8 **40-210. Governor's veto.** (1) Except as provided in 40-65  
9 and 40-180, each bill passed by the Legislature must be submitted  
10 to the Governor for the Governor's signature. This does not  
11 apply to:

12 (a) bills proposing amendments to The Constitution of the  
13 State of Montana;

14 (b) bills ratifying proposed amendments to the United  
15 States Constitution;

16 (c) resolutions; and

17 (d) referendum measures of the Legislature.

18 (2) If the Governor does not sign or veto the bill within  
19 10 days after its delivery, the bill becomes law.

20 (3) The Governor shall return a vetoed bill to the  
21 Legislature with a statement of reasons for the veto.

22 (4) If after receipt of a veto message, two-thirds of the  
23 members of each house present approve the bill, it becomes law.

24 (5) If the Legislature is not in session when the Governor  
25 vetoes a bill, the Governor shall return the bill with reasons  
26 for the veto to the Legislature as provided by law. The  
27 Legislature may be polled on a bill that it approved by

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

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

7 **40-220. Response to Governor's veto.** (1) When the presiding  
8 officer receives a veto message, the presiding officer shall read  
9 it to the members over the rostrum. After the reading, a member  
10 may move that the Governor's veto be overridden.

11 (2) A vote on the motion is determined by roll call. If  
12 two-thirds of the members present vote "aye", the veto is  
13 overridden. If two-thirds of the members present do not vote  
14 "aye", the veto is sustained.

15 **40-230. Governor's recommendations for amendment --**  
16 **procedure.** (1) The Governor may return any bill to the  
17 Legislature with recommendations for amendment. The Governor's  
18 recommendations for amendment must be considered first by the  
19 house in which the bill originated.

20 (2) If the Legislature passes the bill in accordance with  
21 the Governor's recommendations, it shall return the bill to the  
22 Governor for reconsideration. The Governor may not return a bill  
23 to the Legislature a second time for amendment.

24 (3) If the Governor returns a bill to the originating house  
25 with recommendations for amendment, the house shall reconsider  
26 the bill under its rules relating to amendments offered in  
27 Committee of the Whole.

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1 (4) The bill then is subject to the following procedures:

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

6 (b) If both houses approve the Governor's recommendations,  
7 the bill must be returned to the Governor for reconsideration.

8 (c) If both houses disapprove the Governor's  
9 recommendations, the bill must be returned to the Governor for  
10 reconsideration.

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

14 (i) If both houses adopt a conference committee report, the  
15 bill in accordance with the report must be returned to the  
16 Governor for reconsideration.

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

21 **CHAPTER 60**

22 **Rules**

23 **60-10. Suspension of joint rule -- change in rules.** (1) A  
24 joint rule may be repealed or amended only with the concurrence  
25 of both houses, under the procedures adopted by each house for  
26 the repeal or amendment of its own rules.

27 (2) A joint rule governing the procedure for handling bills

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

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

8 (4) Upon adoption of any change, the Secretary of the  
9 Senate and the Chief Clerk of the House of Representatives shall  
10 provide the office of the Legislative Services Division:

11 (a) one copy of all motions or resolutions amending Senate,  
12 House, or joint rules; and

13 (b) copies of all minutes and reports of the Rules  
14 Committees.

15 **60-20. Reference to Mason's Manual.** Mason's Manual of  
16 Legislative Procedure ~~(2000)~~ (2010) governs the proceedings of  
17 the Senate and the House of Representatives in all cases not  
18 covered by these rules.

19 **60-30. Publication and distribution of joint rules.** (1) The  
20 Legislative Services Division shall codify and publish in one  
21 volume:

22 (a) the rules of the Senate;

23 (b) the rules of the House of Representatives; and

24 (c) the joint rules of the Senate and the House of  
25 Representatives.

26 (2) After the rules have been published, the Legislative  
27 Services Division shall distribute copies as directed by the

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1 Senate and the House of Representatives.

2         **60-40. Tenure of joint rules.** The joint rules remain in  
3 effect until removed by a joint resolution or until a new  
4 Legislature is elected and takes office.

5   - END -

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1                   \*\*\*\* House Resolution No. \*\*\*\*

2                   Introduced By \*\*\*\*\*

3                   By Request of the \*\*\*\*\*

4  
5           A Resolution of the House of Representatives of the State of  
6           Montana adopting the house rules.

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

10  
11           That the following House Rules be adopted:

12  
13                                   **RULES OF THE MONTANA**

14                                   **HOUSE OF REPRESENTATIVES**

15                                   **CHAPTER 1**

16                                   **Administration**

17           **H10-10. House officers -- definitions.** (1) House officers  
18           include a Speaker, a Speaker pro tempore, majority and minority  
19           leaders, and majority and minority whips (section 5-2-221, MCA).

20           (2) A majority of representatives voting elects the Speaker  
21           and Speaker pro tempore from the House membership. A majority of  
22           each caucus voting nominates House members to the remaining  
23           offices, and those nominees are considered to have been elected  
24           by a majority vote of the House.

25           (3) (a) "Majority leader" means the leader of the majority  
26           party, elected by the caucus as provided in 5-2-221.

27           (b) "Majority party" means the party with the most members,

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1 subject to subsection (4).

2 (c) "Minority leader" means the leader of the minority  
3 party, elected by the caucus as provided in 5-2-221.

4 (d) "Minority party" means the party with the second most  
5 members, subject to subsection (4).

6 (4) If there are an equal number of members of the two  
7 parties with the most members, then the majority party is the  
8 party of the Speaker and the minority party is the other party  
9 with an equal number of members.

10 **H10-20. Speaker's duties.** (1) The Speaker is the presiding  
11 officer of the House, with authority for administration, order,  
12 decorum, and the interpretation and enforcement of rules in all  
13 House deliberations.

14 (2) The Speaker shall see that all members conduct  
15 themselves in a civil manner in accordance with accepted  
16 standards of parliamentary conduct. The Speaker may, when  
17 necessary, order the Sergeant-at-Arms to clear the aisles and  
18 seat the members of the House so that business may be conducted  
19 in an orderly manner.

20 (3) Signs, placards, or other objects of a similar nature  
21 are not permitted in the rooms, lobby, gallery, or on the floor  
22 of the House. The Speaker may order the galleries, lobbies, or  
23 hallway cleared in case of disturbance or disorderly conduct.

24 (4) The Speaker shall sign all necessary certifications by  
25 the House, including enrolled bills and resolutions, journals  
26 (section 5-11-201, MCA), subpoenas, and payrolls.

27 (5) The Speaker shall arrange the agendas for second and

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1 third readings each legislative day. Representatives may amend  
2 the agendas as provided in H40-130.

3 (6) The Speaker is the chief officer of the House, with  
4 authority for all House employees.

5 (7) The Speaker may name any member to perform the duties  
6 of the chair. If the House is not in session and the Speaker pro  
7 tempore is not available, the Speaker shall name a member who  
8 shall call the House to order and preside during the Speaker's  
9 absence.

10 (8) Upon request of the Minority Leader, the Speaker will  
11 submit a request for a fiscal note on any bill.

12 **H10-30. Speaker-elect.** During the transition period between  
13 the party organization caucuses and the election of House  
14 officers, the Speaker-elect has the responsibilities and  
15 authority appropriate to organize the House (section 5-2-202,  
16 MCA). Authority includes approving pre-session expenditures.

17 **H10-40. Speaker pro tempore duties.** The Speaker pro tempore  
18 shall, in the absence or inability of the Speaker, call the House  
19 to order and perform all other duties of the chair in presiding  
20 over the deliberations of the House and shall perform other  
21 duties and exercise other responsibilities as may be assigned by  
22 the Speaker.

23 **H10-50. Majority Leader.** The primary functions of the  
24 majority leader usually relate to floor duties. The duties of the  
25 majority leader may include but are not limited to:

26 (1) being the lead speaker for the majority party during  
27 floor debates;

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- 1 (2) helping the Speaker develop the calendar;  
2 (3) assisting the Speaker with program development, policy  
3 formation, and policy decisions; and  
4 (4) presiding over the majority caucus meetings; and  
5 (5) other duties as assigned by the caucus.

6 **H10-60. Majority Whip.** The duties of the majority whip may  
7 include but are not limited to:

- 8 (1) assisting the majority leader;  
9 (2) ensuring member attendance;  
10 (3) counting votes;  
11 (4) generally communicating the majority position; and  
12 (5) other duties as assigned by the caucus.

13 **H10-70. Minority Leader.** The minority leader is the  
14 principal leader of the minority caucus. The duties of the  
15 minority leader may include but are not limited to:

- 16 (1) developing the minority position;  
17 (2) negotiating with the majority party;  
18 (3) directing minority caucus activities on the chamber  
19 floor;  
20 (4) leading debate for the minority; and  
21 (5) other duties as assigned by the caucus.

22 **H10-80. Minority Whip.** The major responsibilities for the  
23 minority whip may include but are not limited to:

- 24 (1) assisting the minority leader on the floor;  
25 (2) counting votes;  
26 (3) ensuring attendance of minority party members; and  
27 (4) other duties as assigned by the caucus.

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1           **H10-90. Employees.** (1) The Speaker shall appoint a Chief  
2 Clerk and Sergeant-at-Arms and may appoint a Chaplain, subject to  
3 confirmation of the House (section 5-2-221, MCA).

4           (2) The Speaker shall employ necessary staff or delegate  
5 that function to the employees designated in subsection (1).

6           (3) The secretary for a standing or select committee is  
7 generally responsible to the committee chair but shall work under  
8 the direction of the Chief Clerk.

9           (4) The Speaker and majority and minority leaders may each  
10 appoint a private secretary.

11           **H10-100. Chief Clerk's duties.** The Chief Clerk, under the  
12 supervision of the Speaker, is the chief administrative officer  
13 of the House and is responsible to:

14           (1) supervise all House employees;

15           (2) have custody of all records and documents of the House;

16           (3) supervise the handling of legislation in the House, the  
17 House journal, and other House publications; deliver to the  
18 Secretary of State at the close of each session the House  
19 journal, bill and resolution records, and all original House  
20 bills and joint resolutions; collect minutes and exhibits from  
21 all House committees and subcommittees and arrange to have them  
22 printed on archival paper and copied in an electronic format  
23 within a reasonable time after each meeting. An electronic copy  
24 will be provided to the Legislative Services Division and the  
25 State Law Library of Montana. The archival paper copy will be  
26 delivered to the Montana Historical Society.

27           **H10-110. Duties of Sergeant-at-Arms.** The Sergeant-at-Arms

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1 shall:

2 (1) under the direction of the Speaker and the Chief Clerk,  
3 have charge of and maintain order in the House, its lobbies,  
4 galleries, and hallways and all other rooms in the Capitol  
5 assigned for the use of the House;

6 (2) be present whenever the House is in session and at any  
7 other time as directed by the presiding officer;

8 (3) execute the commands of the House and serve the writs  
9 and processes issued by the authority of the House and directed  
10 by the Speaker;

11 (4) supervise assistants to the Sergeant-at-Arms, who shall  
12 aid in the performance of prescribed duties and who have the same  
13 authority, subject to the control of the Speaker;

14 (5) clear the floor and anteroom of the House of all  
15 persons not entitled to the privileges of the floor prior to the  
16 convening of each session of the House;

17 (6) bring in absent members when so directed under a call  
18 of the House;

19 (7) enforce the distribution of any printed matter in the  
20 House chambers and anteroom in accordance with H20-70;

21 (8) enforce parking regulations applicable to areas of the  
22 Capitol complex under the control of the House;

23 (9) supervise the doorkeeper; and

24 (10) supervise the pages.

25 **H10-120. Legislative aides.** (1) A legislative aide is a  
26 person specifically designated by a representative to assist that  
27 representative in performing legislative duties. A representative

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1 may sponsor one legislative aide a session by written  
2 notification to the Sergeant-at-Arms.

3 (2) No representative may designate a second legislative  
4 aide in the same session without the approval of the House Rules  
5 Committee.

6 (3) A legislative aide must be of legal age unless  
7 otherwise approved by the House Rules Committee.

8 (4) The Sergeant-at-Arms shall issue distinctive  
9 identification tags to legislative aides. The cost must be paid  
10 by the sponsoring representative.

11 **H10-130. Legislative interns.** A legislative intern is a  
12 person designated under Title 5, chapter 6, MCA.

13 **H10-140. House journal.** (1) The House shall keep a journal,  
14 which is the official record of House actions (Montana  
15 Constitution, Art. V, Sec. 10). The journal must be prepared  
16 under the direction of the Speaker.

17 (2) Records of the following proceedings must be entered on  
18 the journal:

19 (a) the taking and subscription of the constitutional oath  
20 by representatives (Montana Constitution, Art. III, Sec. 3;  
21 5-2-214);

22 (b) committee reports;

23 (c) messages from the Governor;

24 (d) messages from the Senate;

25 (e) every motion, the name of the representative presenting  
26 it, and its disposition;

27 (f) the introduction of legislation in the House;

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1 (g) consideration of legislation subsequent to  
2 introduction;

3 (h) on final passage of legislation, the names of the  
4 representatives and their vote on the question (Montana  
5 Constitution, Art. V, Sec. 11);

6 (i) roll call votes; and

7 (j) upon a request by two representatives before a vote is  
8 taken, the names of the representatives and their votes on the  
9 question.

10 (3) The Chief Clerk shall provide to the Legislative  
11 Services Division such information as may be required for the  
12 publication of the daily journal.

13 (4) Any representative may examine the daily journal and  
14 propose corrections. The Speaker may direct a correction to be  
15 made when suggested subject to objection by the House.

16 (5) The Speaker shall authenticate the House journal after  
17 the close of the session (section 5-11-201, MCA).

18 (6) The Legislative Services Division shall publish and  
19 distribute the House journal (sections 5-11-202 and 5-11-203,  
20 MCA). The title of each bill must be listed in the index of the  
21 published session journal.

22 **H10-150. Votes recorded and public.** Every vote of each  
23 representative on each substantive question in the House, in any  
24 committee, or in Committee of the Whole must be recorded and made  
25 public (Montana Constitution, Art. V, Sec. 11).

26 **H10-160. Duration of legislative day.** A legislative day ends  
27 either 24 hours after the House convenes for that day or at the



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1 time the House convenes for the following legislative day,  
2 whichever is earlier. (See Joint Rule 10-20.)

3 **CHAPTER 2**

4 **Decorum**

5 **H20-10. Addressing the House -- recognition.** (1) When a  
6 member desires to speak to or address any matter to the House,  
7 the member should rise and respectfully address the Speaker or  
8 the presiding officer.

9 (2) The Speaker or presiding officer may ask, "For what  
10 purpose does the member rise?" or "For what purpose does the  
11 member seek recognition?" and may then decide if recognition is  
12 to be granted. There is no appeal from the Speaker's or  
13 presiding officer's decision.

14 **H20-20. Questions of order and privilege -- appeal --**  
15 **restrictions.** (1) The Speaker shall decide all questions of order  
16 and privilege, subject to an appeal by any representative  
17 seconded by two representatives. The question on appeal is,  
18 "Shall the decision of the chairman be sustained?".

19 (2) Responses to parliamentary inquiries and decisions of  
20 recognition may not be appealed.

21 (3) Questions of order and privilege, in order of  
22 precedence, are:

23 (a) those affecting the collective rights, safety, dignity,  
24 and integrity of the House; and

25 (b) those affecting the rights, reputation, and conduct of  
26 individual representatives.

27 (4) A member may not address the House on a question of

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1 privilege between the time:

2 (a) an undebatable motion is offered and the vote is taken  
3 on the motion;

4 (b) the previous question is ordered and the vote is taken  
5 on the proposition included under the previous question; or

6 (c) a motion to lay on the table is offered and the vote is  
7 taken on the motion.

8 **H20-30. Limits on lobbying.** Lobbying on the House floor and  
9 in the anteroom is prohibited during a daily session, 2 hours  
10 before the session, and 2 hours after the session.

11 **H20-40. Admittance to the House floor.** (1) The following  
12 persons may be admitted to the House floor during a daily  
13 session: present and former legislators; legislative employees  
14 necessary for the conduct of the session; registered media  
15 representatives; and members' spouses and children. The Speaker  
16 may allow exceptions to this rule.

17 (2) Only a member may sit in a member's chair when the  
18 House is in session.

19 **H20-50. Dilatory motions or questions -- appeal.** The House  
20 has a right to protect itself from dilatory motions or questions  
21 used for the purpose of delaying or obstructing business. The  
22 presiding officer shall decide if motions (except a call of the  
23 House) or questions are dilatory. This decision may be appealed  
24 to the House.

25 **H20-60. Lobbying by employees -- sanctions.** (1) A  
26 legislative employee, intern, or aide of either house is  
27 prohibited from lobbying, although a legislative committee may

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1 request testimony from a person so restricted.

2 (2) The Speaker may discipline or discharge any House  
3 employee violating this prohibition. The Speaker may withdraw the  
4 privileges of any House aide or intern violating this  
5 prohibition.

6 **H20-70. Papers distributed on desks -- exception.** A paper  
7 concerning proposed legislation may not be placed on  
8 representatives' desks unless it is authorized by a member and  
9 permission has been granted by the Speaker. The Sergeant-at-Arms  
10 shall direct its distribution. This restriction does not apply to  
11 material prepared by staff and placed on a representative's desk  
12 at the request of the representative.

13 **H20-80. Violation of rules -- procedure -- appeal.** (1) If a  
14 member, in speaking or otherwise, violates the rules of the  
15 House, the Speaker shall, or the majority or minority leader may,  
16 call the member to order, in which case the member called to  
17 order must be seated immediately.

18 (2) The member called to order may move for an appeal to  
19 the House and if the motion is seconded by two members, the  
20 matter must be submitted to the House for determination by  
21 majority vote. The motion is nondebatable.

22 (3) If the decision of the House is in favor of the member  
23 called to order, the member may proceed. If the decision is  
24 against the member, the member may not proceed.

25 (4) If a member is called to order, the matter may be  
26 referred to the Rules Committee by the majority or minority  
27 leader. The Committee may recommend to the House that the member

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1 be censured or be subject to other action. The House shall act  
2 upon the recommendation of the Committee.

3 **CHAPTER 3**

4 **Committees**

5 **H30-10. House standing committees -- appointments --**

6 **classification.** (1) (a) The Speaker shall determine the total  
7 number of members and after good faith consultation with the  
8 minority leader shall appoint the chairs, vice chairs, and  
9 members to the standing committees.

10 (b) The Speaker shall appoint each member to a class one  
11 committee, unless the member is unable or unwilling to serve on a  
12 class one committee.

13 (2) The standing committees of the House are as follows:

14 (a) class one committees:

15 (i) Appropriations;

16 (ii) Business and Labor;

17 (iii) Judiciary;

18 (iv) State Administration; and

19 (v) Taxation;

20 (b) class two committees:

21 (i) Education;

22 (ii) federal Relations, Energy, and Telecommunications;

23 (iii) Human Services;

24 (iv) Natural Resources; and

25 (v) Transportation;

26 (c) class three committees:

27 (i) Agriculture;

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1 (ii) Fish, Wildlife, and Parks; and

2 (iii) Local Government; and

3 (d) on call committees:

4 (i) Ethics;

5 (ii) Rules; and

6 (iii) Legislative Administration.

7 (3) A class 1 committee is scheduled to meet Monday through  
8 Friday. A class 2 committee is scheduled to meet Monday,  
9 Wednesday, and Friday. A class 3 committee is scheduled to meet  
10 Tuesday and Thursday. Unless a class is prescribed for a  
11 committee, it meets upon the call of the chair.

12 (4) The Legislative Council shall review the workload of  
13 the standing committees to determine if any change is indicated  
14 in the class of a standing committee for the next legislative  
15 session. The Legislative Council's recommendations must be  
16 submitted to the leadership nominated or elected at the  
17 presession caucus provided for in 5-2-201.

18 (5) There will be six subcommittees of the Committee on  
19 Appropriations, Education, General Government and Transportation,  
20 Health and Human Services, Natural Resources, Corrections, and  
21 Long-Range Planning. Each member serving on the Appropriations  
22 Committee must be appointed to at least one of the subcommittees.

23 (6) The Speaker shall give notice of each appointment to  
24 the Chief Clerk for publication.

25 (7) The Speaker may, in the Speaker's discretion or as  
26 authorized by the House, create and appoint select committees,  
27 designating the chairman and vice chairman of the select

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1 committee. Select committees may request or receive legislation  
2 in the same manner as a standing committee and are subject to the  
3 rules of standing committees.

4 **H30-20. Chairman's duties.** (1) The principal duties of  
5 the chairman of standing or select committees are to:

6 (a) preside over meetings of the committee and to put all  
7 questions;

8 (b) maintain order and decide all questions of order  
9 subject to appeal to the committee;

10 (c) supervise and direct staff of the committee;

11 (d) have the committee secretary keep the official record  
12 of the minutes;

13 (e) sign reports of the committee and submit them promptly  
14 to the Chief Clerk;

15 (f) appoint subcommittees to perform on a formal or an  
16 informal basis as provided in subsection (2); and

17 (g) inform the Speaker of committee activity.

18 (2) With the exception of the House Appropriations  
19 subcommittees, a subcommittee of a standing committee may be  
20 appointed by the chairman of the committee. The chairman of the  
21 standing committee shall appoint the chairman of the  
22 subcommittee.

23 **H30-30. Quorum -- officers as members.** (1) A quorum of a  
24 committee is a majority of the members of the committee. A  
25 quorum of a committee must be present at a meeting to act  
26 officially. A quorum of a committee may transact business, and a  
27 majority of the quorum, even though it is a minority of the

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1 committee, is sufficient for committee action.

2 (2) The Speaker, the majority leader, and the minority  
3 leader are ex officio, nonvoting members of all House committees.  
4 They may count toward establishing a quorum.

5 **H30-40. Meetings -- purpose -- notice -- minutes.** (1) All  
6 meetings of committees must be open to the public at all times,  
7 subject always to the power and authority of the chairman to  
8 maintain safety, order, and decorum. The date, time, and place  
9 of committee meetings must be posted.

10 (2) A committee or subcommittee may be assembled for:

11 (a) a public hearing at which testimony is to be heard and  
12 at which official action may be taken on bills, resolutions, or  
13 other matters;

14 (b) a formal meeting at which the committees may discuss  
15 and take official action on bills, resolutions, or other matters  
16 without testimony; or

17 (c) a work session at which the committee may discuss  
18 bills, resolutions, or other matters but take no formal action.

19 (3) All committees meet at the call of the chairman or upon  
20 the request of a majority of the members of the committee  
21 directed to and with the approval of the Speaker.

22 (4) All committees shall provide for and give public  
23 notice, reasonably calculated to give actual notice to interested  
24 persons, of the time, place, and subject matter of regular and  
25 special meetings. All committees are encouraged to provide at  
26 least 3 legislative days notice to members of committees and the  
27 general public. However, a meeting may be held upon notice

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1 appropriate to the circumstances.

2 (5) A committee may not meet during the time the House is  
3 in session without leave of the Speaker. Any member attending  
4 such a meeting must be considered excused to attend business of  
5 the House subject to a call of the House.

6 (6) All meetings of committees must be recorded and the  
7 minutes must be available to the public within a reasonable time  
8 after the meeting. The official record must contain at least the  
9 following information:

10 (a) the time and place of each meeting of the committee;

11 (b) committee members present, excused, or absent;

12 (c) the names and addresses of persons appearing before the  
13 committee, whom each represents, and whether the person is a  
14 proponent, opponent, or other witness;

15 (d) all motions and their disposition;

16 (e) the results of all votes;

17 (f) references to the recording log, sufficient to serve as  
18 an index to the original recording; and

19 (g) testimony and exhibits submitted in writing.

20 **H30-50. Procedures -- absentee or proxy voting -- member**

21 **privileges.** (1) The chairman shall notify the sponsor of any  
22 bill pending before the committee of the time and place it will  
23 be considered.

24 (2) A standing or select committee may not take up referred  
25 legislation unless the sponsor or one of the cosponsors is  
26 present or unless the sponsor has given written consent. The  
27 chairman shall attempt to not schedule Senate bills while the



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1 Senate is in session.

2 (3) (a) Subject to subsection (3)(b), ~~The~~ the committee  
3 shall act on each bill in its possession:

4 ~~(a)(i)~~ by reporting the bill out of the committee:

5 ~~(i)(A)~~ with the recommendation that it be referred to  
6 another committee;

7 ~~(ii)(B)~~ favorably as to passage; or

8 ~~(iii) unfavorably; or~~

9 ~~(b)(ii)~~ by tabling the measure in committee.

10 (b) At the written request of the sponsor, a committee may  
11 finally dispose of a bill without a hearing. A bill may not be  
12 reported from a committee without a hearing.

13 (4) The committee may not report a bill to the House  
14 without recommendation.

15 (5) The committee may recommend that a bill on which it has  
16 made a favorable recommendation by unanimous vote be placed on  
17 the consent calendar. A tie vote in a standing committee on the  
18 question of a recommendation to the whole House on a matter  
19 before the committee, for example on a question of whether a bill  
20 is recommended as "do pass" or "do not pass", does not result in  
21 the matter passing out to the whole House for consideration  
22 without recommendation.

23 (6) In reporting a measure out of committee, a committee  
24 shall include in its report:

25 (a) the measure in the form reported out;

26 (b) the recommendation of the committee;

27 (c) an identification of all substantive changes; and

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1 (d) a fiscal note, if required.

2 (7) If a measure is withdrawn from a committee and brought  
3 to the House floor for debate on second reading on that day  
4 without a committee recommendation, the bill does not include  
5 amendments formally adopted by the committee because committee  
6 amendments are merely recommendations to the House that are  
7 formally adopted when the committee report is accepted by the  
8 House.

9 (8) A second to any motion offered in a committee is not  
10 required in order for the motion to be considered by the  
11 committee.

12 (9) The vote of each member on all committee actions must  
13 be recorded. All motions may be adopted only on the affirmative  
14 vote of a majority of the members voting. Standing and select  
15 committees may by a majority vote of the committee authorize  
16 members to vote by proxy if absent, while engaged in other  
17 legislative business or when excused by the presiding officer of  
18 the committee due to illness or an emergency. Authorization for  
19 absentee or proxy voting must be reflected in the committee  
20 minutes.

21 (10) A motion to take a bill from the table may be adopted  
22 by the affirmative vote of a majority of the members present at  
23 any meeting of the committee.

24 (11) An action formally taken by a committee may not be  
25 altered in the committee except by reconsideration and further  
26 formal action of the committee.

27 (12) A committee may reconsider any action as long as the

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1 matter remains in the possession of the committee. A committee  
2 member need not have voted with the prevailing side in order to  
3 move reconsideration.

4 (13) Any legislation requested by a committee requires  
5 three-fourths of all members of the committee to vote in favor of  
6 the question to allow the committee to request the drafting or  
7 introduction of legislation. Votes requesting drafting and  
8 introduction of committee legislation may be taken jointly or  
9 separately.

10 (14) The chairman shall decide points of order.

11 (15) The privileges of committee members include the  
12 following:

13 (a) to participate freely in committee discussions and  
14 debate;

15 (b) to offer motions;

16 (c) to assert points of order and privilege;

17 (d) to question witnesses upon recognition by the chairman;

18 (e) to offer any amendment to any bill; and

19 (f) to vote, either by being present or by proxy if  
20 authorized pursuant to subsection (9), using a standard form or  
21 through the vice chairman or minority vice chairman.

22 (16) Any meeting of a committee held through the use of  
23 telephone or other electronic communication must be conducted in  
24 accordance with Chapter 3 of the House Rules.

25 (17) A committee may consolidate into one bill any two or  
26 more related bills referred to it whenever legislation may be  
27 simplified by the consolidation.

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1 (18) Committee procedure must be informal, but when any  
2 questions arise on committee procedure, the rules or practices of  
3 the House are applicable except as stated in the House Rules.

4 **H30-60. Public testimony -- decorum -- time restrictions.**

5 (1) Testimony from proponents, opponents, and informational  
6 witnesses must be allowed on every bill or resolution before a  
7 standing or select committee. All persons, other than the  
8 sponsor, offering testimony shall register on the committee  
9 witness list.

10 (2) Any person wishing to offer testimony to a committee  
11 hearing a bill or resolution must be given a reasonable  
12 opportunity to do so, orally or in writing. Written testimony  
13 may not be required of any witness, but all witnesses must be  
14 encouraged to submit a statement in writing for the committee's  
15 official record.

16 (3) The chairman may order the committee room cleared of  
17 visitors if there is disorderly conduct. During committee  
18 meetings, visitors may not speak unless called upon by the  
19 chairman. Restrictions on time available for testimony may be  
20 announced.

21 (4) The number of people in a committee room may not exceed  
22 the maximum posted by the State Fire Marshal. The chairman shall  
23 maintain that limit.

24 (5) In any committee meeting, the use of cameras,  
25 television, radio, or any form of telecommunication equipment is  
26 allowed, but the chairman may designate the areas of the hearing  
27 room from which the equipment must be operated. Cell phone use is

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1 allowed only at the discretion of the chairman.

## 2 CHAPTER 4

### 3 Legislation

4 **H40-10. Introduction deadlines.** If a representative accepts  
5 drafted legislation from the Legislative Services Division after  
6 the deadline for preintroduction, the representative may not  
7 introduce that legislation after 2 legislative days from the time  
8 the bill was accepted from the Legislative Services Division.

9 **H40-20. House resolutions.** (1) A House resolution is used  
10 to adopt or amend House rules, make recommendations on the  
11 districting and apportionment plan (Montana Constitution, Art. V,  
12 Sec. 14), express the sentiment of the House, or assist House  
13 operations.

14 (2) As to drafting, introduction, and referral, a House  
15 resolution is treated as a bill. A House resolution may be  
16 requested and introduced at any time. Final passage of a House  
17 resolution is determined by the Committee of the Whole report. A  
18 House resolution does not progress to third reading.

19 (3) The Chief Clerk shall transmit a copy of each passed  
20 House resolution to the Senate and the Secretary of State.

21 **H40-30. Cosponsors.** (1) Prior to submitting legislation to  
22 the Chief Clerk for introduction, the chief sponsor may add  
23 representatives and senators as cosponsors by having them sign  
24 the legislation.

25 (2) After legislation is submitted for introduction but  
26 before the legislation returns from the first House committee,  
27 the chief sponsor may add or remove cosponsors by filing a

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1 cosponsor form with the Chief Clerk. This filing must be noted by  
2 the Chief Clerk for the record on Order of Business No. 11.

3 **H40-40. Introduction -- receipt -- messages from Senate and**  
4 **elected officials.** (1) During a session, proposed House  
5 legislation may be introduced in the House by submitting it,  
6 endorsed with the signature of a representative as chief sponsor,  
7 to the Chief Clerk for introduction. Except for the first 15 bill  
8 numbers that may be reserved for preintroduced legislation, in  
9 each session of the Legislature, the proposed legislation must be  
10 numbered consecutively by type in the order of receipt.  
11 Submission and numbering of properly endorsed legislation  
12 constitutes introduction.

13 (2) Preintroduction of legislation prior to a session under  
14 provisions of the joint rules constitutes introduction in the  
15 House.

16 (3) Acknowledgment by the Chief Clerk of receipt of  
17 legislation or other matters transmitted from the Senate for  
18 consideration by the House constitutes introduction of the Senate  
19 legislation in the House or receipt by the House for purposes of  
20 applying time limits contained in the House rules. All  
21 legislation may be referred to a committee prior to being read  
22 across the rostrum as provided in H40-50.

23 (4) Acknowledgment by the Chief Clerk of receipt of  
24 messages from the Senate or other elected officials constitutes  
25 receipt by the House for purposes of any applicable time limit.  
26 Senate legislation or messages received from the Senate or  
27 elected officials are subject to all other rules.

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1           **H40-50. First reading -- receipt of Senate legislation.**

2           Legislation properly introduced or received in the House must be  
3           announced across the rostrum and public notice provided. This  
4           announcement constitutes first reading, and no debate or motion  
5           is in order except that a representative may question adherence  
6           to rules. Acknowledgment by the Chief Clerk of receipt of  
7           legislation transmitted from the Senate commences the time limit  
8           for consideration of the legislation. All legislation received  
9           by the House may be referred to a committee prior to being read  
10          across the rostrum.

11          **H40-60. One reading per day -- exception.** Except on the

12          final legislative day, legislation may receive no more than one  
13          reading per legislative day. On the final legislative day,  
14          legislation may receive more than one reading.

15          **H40-70. Referral.** (1) The Speaker shall refer to a House

16          committee, joint select committee, or joint special committee all  
17          properly introduced House legislation and transmitted Senate  
18          legislation in conformity to the committee jurisdiction.

19          (2) Legislation may not receive final passage and approval  
20          unless it has been referred to a House committee, joint select  
21          committee, or joint special committee.

22          **H40-80. Rereferral -- normal progression.** (1) Except as

23          provided in subsection (2), legislation that is in the possession  
24          of the House and that has not been finally disposed of may be  
25          rereferred to a House committee by House motion approved by not  
26          less than three-fifths of the members present and voting.

27          (2) Legislation that is in the possession of the House and

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1 that has been reported from a committee with a do pass or be  
2 concurred in recommendation may be rereferred to a House  
3 committee by a majority vote.

4 (3) The normal progress of legislation through the House  
5 consists of the following steps in the order listed:

6 introduction; referral to a standing or select committee; a  
7 report from the committee; second reading; and third reading.

8 **H40-90. Legislation withdrawn from committee.** Legislation  
9 may be withdrawn from a House committee by House motion approved  
10 by not less than three-fifths of the members present and voting.

11 **H40-100. Standing committee reports -- requirement for**  
12 **rejection of adverse committee report.** (1) A House standing  
13 committee recommendation of "do pass" or "be concurred in" must  
14 be announced across the rostrum and, if there is no objection to  
15 form, is considered adopted.

16 (2) A recommendation of "do not pass" or "be not concurred  
17 in" must be announced across the rostrum and, on the following  
18 legislative day, may be debated and adopted or rejected on Order  
19 of Business No. 2. ~~A motion to reject an adverse committee report~~  
20 ~~must be approved by not less than three-fifths of the members~~  
21 ~~voting. Failure to adopt a motion to reject an adverse committee~~  
22 ~~report constitutes adoption of the report.~~

23 ~~(3) If the House rejects an adverse committee report, the~~  
24 ~~bill progresses to second reading, as scheduled by the Speaker,~~  
25 ~~with any amendments recommended by the committee.~~

26 **H40-110. Consent calendar procedure.** (1) Noncontroversial  
27 bills and simple and joint resolutions may be recommended for the



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1 consent calendar by a standing committee and processed according  
2 to the following provisions:

3 (a) To be eligible for the consent calendar, the  
4 legislation must receive a unanimous vote by the members of the  
5 standing committee in attendance (do pass, do pass as amended).  
6 In addition, a motion must be made and passed unanimously to  
7 place the legislation on the consent calendar and this action  
8 reflected in the committee report. Appropriation or revenue  
9 bills may not be recommended for the consent calendar.

10 (b) The legislation must then be sent to be processed and  
11 reproduced as a third reading version and specifically marked as  
12 a "consent calendar" item.

13 (2) Other legislation may be placed on the consent calendar  
14 by agreement between the Speaker and the minority leader  
15 following a positive recommendation by a standing committee. The  
16 legislation must be sent to be processed as a second reading  
17 version but must be specifically announced and posted as a  
18 "consent calendar" item.

19 (3) Legislation must be posted immediately (as soon as it  
20 is received appropriately printed) on the consent calendar and  
21 must remain there for 1 legislative day before consideration  
22 under Order of Business No. 11, special orders of the day. At  
23 that time, the presiding officer shall announce consideration of  
24 the consent calendar and allow "reasonable time" for questions  
25 and answers upon request. No debate is allowed.

26 (4) If any one representative submits a written objection  
27 to the placement of legislation on the consent calendar, the

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1 legislation must be removed from the consent calendar and added  
2 to the regular second reading board.

3 (5) Consent calendar legislation will be considered on  
4 Order of Business No. 8, third reading of bills, following the  
5 regular third reading agenda, as separately noted on the agenda.

6 (6) Legislation on the consent calendar must be considered  
7 individually with the roll call vote spread on the journal as the  
8 final vote in the House.

9 (7) Legislation passed on the consent calendar must then be  
10 transmitted to the Senate. Legislation must be appropriately  
11 printed prior to transmittal.

12 **H40-120. Legislation requiring other than a majority vote.**  
13 Legislation that requires other than a majority vote for final  
14 passage needs only a majority vote for any action that is taken  
15 prior to third reading and that normally requires a majority  
16 vote.

17 **H40-130. Amending House second and third reading agendas --**  
18 **vote requirements.** (1) A majority of representatives present may  
19 rearrange or remove legislation from either the second or third  
20 reading agenda on that legislative day.

21 (2) Legislation may be added to the second or third reading  
22 agenda on that legislative day on a motion approved by not less  
23 than three-fifths of the members present and voting.

24 **H40-140. Second reading -- timing -- obverse vote on failed**  
25 **motion -- status of amendments -- rejection of report --**  
26 **segregation.** (1) Legislation returned or withdrawn from committee  
27 by motion must be placed on second reading prior to the

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1 transmittal deadlines provided for in Joint Rule 40-200 that are  
2 applicable to each piece of legislation.

3 (2) The House shall form itself into a Committee of the  
4 Whole to consider business on second reading. The Committee of  
5 the Whole may debate legislation, attach amendments, and  
6 recommend approval or disapproval of legislation.

7 (3) Except on the final legislative day, at least 1  
8 legislative day must elapse between the time legislation is  
9 reported from committee and the time it is considered on second  
10 reading.

11 (4) If a motion to recommend that a bill "do pass" or "be  
12 concurred in" fails in the Committee of the Whole, the obverse,  
13 i.e., a recommendation that the bill "do not pass" or "be not  
14 concurred in", is considered to have passed. If a motion to  
15 recommend that a bill "do not pass" or "be not concurred in"  
16 fails in the Committee of the Whole, the obverse, i.e., a  
17 recommendation that the bill "do pass" or "be concurred in", is  
18 considered to have passed.

19 (5) An amendment attached to legislation by the Committee  
20 of the Whole remains unless removed by further legislative  
21 action.

22 (6) When the Committee of the Whole reports to the House,  
23 the House shall adopt or reject the Committee of the Whole  
24 report. If the House rejects the Committee of the Whole report,  
25 the legislation remains on second reading, as amended by the  
26 Committee of the Whole, unless the House orders otherwise.

27 (7) A representative may move to segregate legislation from

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1 the Committee of the Whole report before the report is adopted.  
2 Segregated legislation, as amended by the Committee of the Whole,  
3 must be placed on second reading unless the House orders  
4 otherwise. Amendments adopted by the Committee of the Whole on  
5 segregated legislation remain adopted unless reconsidered  
6 pursuant to H50-170 or unless the legislation is rereferred to a  
7 committee.

8 **H40-150. Amendments in the Committee of the Whole -- timing**  
9 **-- official records.** (1) All Committee of the Whole amendments  
10 must be prepared by the Legislative Services Division and checked  
11 by the House amendments coordinator for format, style, clarity,  
12 consistency, and other factors, in accordance with the most  
13 recent Bill Drafting Manual published by the Legislative Services  
14 Division, before the amendment may be accepted at the rostrum.  
15 The amendment form must include the date and time the amendment  
16 is submitted for that check.

17 (2) An amendment submitted to the rostrum for consideration  
18 by the Committee of the Whole must be marked as checked by the  
19 amendments coordinator and signed by a representative. Unless  
20 the majority leader, the minority leader, and sponsor agree,  
21 amendments must be printed and placed on the members' desks prior  
22 to consideration.

23 (3) An amendment may not be proposed until the sponsor has  
24 opened on a bill.

25 (4) A copy of every amendment rejected by the Committee of  
26 the Whole must be kept as part of the official records.

27 (5) An amendment may not change the original purpose of the

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1 bill.

2 **H40-160. Motions in the Committee of the Whole -- quorum**  
3 **required.** (1) When the House resolves itself into a Committee of  
4 the Whole, the only motions in order are to:

5 (a) recommend passage or nonpassage;

6 (b) recommend concurrence or nonconcurrence (Senate  
7 amendments to House legislation);

8 (c) amend;

9 (d) reconsider as provided in H50-170;

10 (e) pass consideration;

11 (f) call for cloture;

12 (g) change the order in which legislation is placed on the  
13 agenda; and

14 (h) rise, rise and report, or rise and report progress and  
15 beg leave to sit again.

16 (2) Subsections (1)(d) through (1)(f) and (1)(h) are  
17 nondebatable but may be amended. Once a motion under subsection  
18 (1)(a) or (1)(b) is made, a contrary motion is not in order.

19 (3) The motions listed in subsection (1) may be made in  
20 descending order as listed.

21 (4) If a quorum of representatives is not present during  
22 second reading, the Committee of the Whole may not conduct  
23 business on legislation and a motion for a call of the House  
24 without a quorum is in order.

25 **H40-170. Limits on debate in the Committee of the Whole.** (1)  
26 Except as provided in H40-180, a representative may not speak  
27 more than once on the motion and may speak for no more than 5

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1 minutes. The representative who makes the motion may speak a  
2 second time for 5 minutes in order to close.

3 (2) After at least two proponents and two opponents have  
4 spoken on a question and 30 minutes have elapsed, a motion to  
5 call for cloture is in order. Approval by not less than  
6 two-thirds of the members present and voting is required to  
7 sustain a motion for cloture. Notwithstanding the passage of a  
8 motion to end debate, the sponsor of the motion on which debate  
9 was ended may close.

10 (3) By previous agreement of the majority leader and the  
11 minority leader:

12 (a) a lead proponent and a lead opponent may be granted  
13 additional time to speak on a bill;

14 (b) a bill or resolution may be allocated a predetermined  
15 amount of time for debate and number of speakers.

16 **H40-180. Special provisions for debate on the general**  
17 **appropriations bill -- sections -- amendments.** (1) The  
18 Appropriations Committee chairman, in presenting the bill, is not  
19 subject to the 5-minute speaking limitation.

20 (2) Each appropriations subcommittee chairman shall fully  
21 present the chairman's portion of the bill. A subcommittee  
22 chairman is not subject to the 5-minute speaking limitation.

23 (3) After the presentation by the subcommittee chairman,  
24 the respective section of the bill is open for debate, questions,  
25 and amendments. A proposed amendment to the general  
26 appropriations act may not be divided.

27 (4) An amendment that affects more than one section of the

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1 bill must be offered when the first section affected is  
2 considered.

3 (5) Following completion of the debate on each section,  
4 that section is closed and may not be reopened except by majority  
5 vote.

6 (6) If a member moves to reopen a section for amendment,  
7 only the amendment of that member may be entertained. Another  
8 member wishing to amend the same section shall make a separate  
9 motion to reopen the section.

10 (7) Debate on the motion to reopen a section is limited to  
11 the question of reopening the section. The amendment itself may  
12 not be debated at that time. This limitation does not prohibit  
13 the member from explaining the amendment to be considered.

14 **H40-190. Engrossing.** (1) After legislation is passed on  
15 second reading, it must be engrossed within 48 hours under the  
16 direction of the Speaker. The Speaker may grant additional time  
17 for engrossing.

18 (2) When the legislation that has passed second reading, as  
19 amended, has been correctly engrossed, it must be placed on third  
20 reading on the following legislative day. If the bill is not  
21 amended, the bill must be sent to printing and must be placed on  
22 third reading on the legislative day after receipt. On the final  
23 legislative day, the correctly engrossed legislation may be  
24 placed on third reading on the same legislative day. For the  
25 purposes of this rule, "engrossing" means placing amendments in a  
26 bill. (See Joint Rule 40-150.)

27 **H40-200. Third reading.** (1) All bills, joint resolutions,

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1 and Senate amendments to House bills and joint resolutions  
2 passing second reading must be placed on third reading the day  
3 following the receipt of the engrossing or other appropriate  
4 printing report.

5 (2) Legislation on third reading may not be amended or  
6 debated.

7 (3) The Speaker shall state the question on legislation on  
8 third reading. If a majority of the representatives voting does  
9 not approve the legislation, it fails to pass third reading.

10 **H40-210. Senate legislation in the House.** Senate legislation  
11 properly transmitted to the House must be treated as House  
12 legislation.

13 **H40-220. Senate amendments to House legislation.** (1) When  
14 the Senate has properly returned House legislation with Senate  
15 amendments, the House shall announce the amendments on Order of  
16 Business No. 4, and the Speaker shall place them on second  
17 reading for debate. The Speaker may rerefer House legislation  
18 with Senate amendments to a committee for a hearing if the Senate  
19 amendments constitute a significant change in the House  
20 legislation. The second reading vote is limited to consideration  
21 of the Senate amendments.

22 (2) If the House accepts Senate amendments, the House shall  
23 place the final form of the legislation on third reading to  
24 determine if the legislation, as amended, is passed or if the  
25 required vote is obtained.

26 (3) If the House rejects the Senate amendments, the House  
27 may request the Senate to recede from its amendments or may



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1 direct appointment of a conference committee and request the  
2 Senate to appoint a like committee.

3 **H40-230. Conference committee reports.** (1) When a House  
4 conference committee files a report, the report must be announced  
5 under Order of Business No. 3.

6 (2) The House may debate and adopt or reject the conference  
7 committee report on second reading on any legislative day. The  
8 House may reconsider its action in rejecting a conference  
9 committee report under rules for reconsideration, H50-160.

10 (3) If both the House and the Senate adopt the same  
11 conference committee report on legislation requiring more than a  
12 majority vote for final passage, the House, following approval of  
13 the conference committee report on third reading, shall place the  
14 final form of the legislation on third reading to determine if  
15 the required vote is obtained.

16 (4) If the House rejects a conference committee report, the  
17 committee continues to exist unless dissolved by the Speaker or  
18 by motion. The committee may file a subsequent report.

19 (5) A House conference committee may confer regarding  
20 matters assigned to it with any Senate conference committee with  
21 like jurisdiction and submit recommendations for consideration of  
22 the House.

23 **H40-240. Enrolling.** (1) When House legislation has passed  
24 both houses, it must be enrolled within 48 hours under the  
25 direction of the Speaker. The Speaker may grant additional time  
26 for enrolling.

27 (2) The chief sponsor of the legislation shall examine the

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1 enrolled legislation and, if it has no enrolling errors, shall,  
2 within 1 legislative day, certify the legislation as correctly  
3 enrolled.

4 (3) The correctly enrolled legislation must be delivered to  
5 the Speaker, who shall sign the legislation.

6 (4) After the legislation has been reported correctly  
7 enrolled but before it is signed, any representative may examine  
8 the legislation. (See Joint Rule 40-160.)

9 **H40-250. Governor's amendments.** (1) When the Governor  
10 returns a bill with recommended amendments, the House shall  
11 announce the amendments under Order of Business No. 5.

12 (2) The House may debate and adopt or reject the Governor's  
13 recommended amendments on second reading on any legislative day.

14 (3) If both the House and the Senate accept the Governor's  
15 recommended amendments on a bill that requires more than a  
16 majority vote for final passage, the House shall place the final  
17 form of the legislation on third reading to determine if the  
18 required vote is obtained.

19 **H40-260. Governor's veto.** (1) When the Governor returns a  
20 bill with a veto, the House shall announce the veto under Order  
21 of Business No. 5.

22 (2) On any legislative day, a representative may move to  
23 override the Governor's veto by a two-thirds vote under Order of  
24 Business No. 9.

25 **CHAPTER 5**

26 **Floor Actions**

27 **H50-10. Attendance -- excuse -- call of the House.** (1) A

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1 representative, unless excused, is required to be present at  
2 every sitting of the House.

3 (2) A representative may request in writing to be excused  
4 for a specified cause by the representative's party leader. This  
5 excused absence is not a leave with cause from a call of the  
6 House.

7 **H50-20. Quorum.** (1) A quorum of the House is fifty-one  
8 representatives (Montana Constitution, Art. V, Sec. 10).

9 (2) Any representative may question the lack of a quorum at  
10 any time a vote is not being taken. The question is nondebatable,  
11 may not be amended, and is resolved by a roll call.

12 (3) The House may not conduct business without a quorum,  
13 except that representatives present may convene, compel the  
14 attendance of absent representatives, or adjourn.

15 **H50-30. Call of the House without a quorum.** (1) In the  
16 absence of a quorum, a majority of the representatives present  
17 may compel the attendance of absent representatives through a  
18 call of the House without a quorum. The motion for the call is  
19 nondebatable, may not be amended, and is in order at any time it  
20 has been established that a quorum is not present.

21 (2) During a call of the House, all business is suspended.  
22 No motion is in order except a motion to adjourn or to remove the  
23 call.

24 (3) When a quorum has been achieved under the call, the  
25 call is automatically lifted. The call may also be lifted by  
26 adjournment or by two-thirds of the representatives present and  
27 voting.

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1           **H50-40. Call of the House with a quorum.** (1) If a quorum is  
2 present but at least one representative is excused or absent,  
3 one-third of the representatives present and voting may order a  
4 call of the House with a quorum.

5           (2) The motion for a call is nondebatable, may not be  
6 amended, and is in order at any time a vote is not being taken,  
7 except that a call of the House with a quorum is not allowed in  
8 the Committee of the Whole.

9           (3) During a call of the House, all business is suspended.  
10 No motion is in order except a motion to adjourn or to remove the  
11 call.

12           (4) When all representatives are present, except those on  
13 leave with cause, the call is automatically lifted. The call may  
14 also be lifted by adjournment or by two-thirds of the  
15 representatives present and voting.

16           **H50-50. Leave with cause during call of the House.** (1)  
17 During a call of the House, a representative with an overriding  
18 medical or personal reason may request a leave with cause.

19           (2) If the representative is present at the time of the  
20 call, the Speaker may approve a request for a leave with cause.

21           (3) If the representative is not present at the time of the  
22 call, two-thirds of the representatives present and voting may  
23 approve a request for leave with cause.

24           (4) During a call of the House, a representative on leave  
25 with cause may not cast an absentee vote.

26           **H50-60. Opening and order of business.** The opening of each  
27 legislative day must include an invocation, the pledge of

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1 allegiance, and roll call. Following the opening, the order of  
2 business of the House is as follows:

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

15 **H50-70. Motions.** (1) Any representative may propose a motion  
16 allowed by the rules for the order of business under which the  
17 motion is offered for the consideration of the House. Unless  
18 otherwise specified in rule or law, a majority of representatives  
19 voting is necessary and sufficient to decide a motion.

20 (2) Seconds to motions on the House floor are not required.

21 (3) Absentee votes are not allowed on votes that are  
22 specified as "representatives present and voting".

23 (4) The majority leader shall make routine procedural  
24 motions required to conduct the business of the House.

25 **H50-80. Limits on debate of debatable motions.** (1) Except  
26 for the representative who places a debatable motion before the  
27 body, no representative may speak more than once on the question

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1 unless a unanimous House consents. The representative who places  
2 the motion may close.

3 (2) No representative may speak for more than 10 minutes on  
4 the same question, except that a representative may have 5  
5 minutes to close.

6 **H50-90. Nondebatable motions.** (1) A representative has the  
7 right to understand any question before the House and, usually  
8 under the administration of the presiding officer, may ask  
9 questions to exercise this right.

10 (2) The following motions are nondebatable:

11 (a) to adjourn pursuant to H50-250;

12 (b) for a call of the House;

13 (c) to recess or rise;

14 (d) for parliamentary inquiry;

15 (e) to table or take from the table;

16 (f) to call for the previous question or cloture;

17 (g) to amend a nondebatable motion;

18 (h) to divide a question;

19 (i) to suspend the rules;

20 (j) all incidental motions, such as motions relating to  
21 voting or of a general procedural nature;

22 (k) to appeal a call to order;

23 (l) to question the lack of a quorum pursuant to H50-20;

24 and

25 (m) to change a vote pursuant to H50-210.

26 **H50-100. Questions.** A representative may, through the  
27 presiding officer, ask questions of another representative during

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1 a floor session. There is no limit on questions and answers,  
2 except as provided in H20-50.

3 **H50-110. Amending motions -- limitations.** (1) A  
4 representative may move to amend the specific provisions of a  
5 motion without changing its substance.

6 (2) No more than one motion to amend a motion is in order  
7 at any one time.

8 (3) A motion for a call of the House, for the previous  
9 question, to table, or to take from the table may not be amended.

10 **H50-120. Substitute motions.** (1) When a question is before  
11 the House, no substitute motion may be made except the following,  
12 which have precedence in the order listed:

- 13 (a) to adjourn (nondebatable H50-90 and H50-250);  
14 (b) for a call of the House (nondebatable H50-90);  
15 (c) to recess or rise (nondebatable H50-90);  
16 (d) for a question of privilege;  
17 (e) to table (nondebatable H50-90);  
18 (f) to call for the previous question or cloture;  
19 (g) to postpone consideration to a day certain;  
20 (h) to refer to a committee; and  
21 (i) to propose amendments.

22 (2) Nothing in this section allows a motion that would not  
23 otherwise be allowed under a particular order of business.

24 (3) (a) Except as provided in subsection (3)(b), no more  
25 than one substitute motion is in order at any one time.

26 (b) A motion for cloture is in order on a substitute motion  
27 to amend.

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1           **H50-130. Withdrawing motions.** A representative who proposes  
2 a motion may withdraw it before it is voted on or amended.

3           **H50-140. Dividing a question.** Except as provided in  
4 H40-180(3), a representative may request to divide a question as  
5 a matter of right if it includes two or more propositions so  
6 distinct that they can be separated and if at least one  
7 substantive question remains after one substantive question is  
8 removed. The request is nondebatable under H50-90. The presiding  
9 officer may rule that a question is nondivisible. The ruling of  
10 the chair may be appealed as provided in H50-160(15) or (17) and  
11 H70-50. For an appeal of a ruling of the presiding officer, the  
12 question for the house must be stated as, "Shall the ruling of  
13 the chair be upheld?".

14           **H50-150. Previous question -- close.** (1) If a majority of  
15 representatives present and voting adopts a motion for the  
16 previous question, debate is closed on the question and it must  
17 be brought to a vote. The Speaker may not entertain a motion to  
18 end debate unless at least one proponent and one opponent have  
19 spoken on the question.

20           (2) Notwithstanding the passage of a motion to end debate,  
21 the sponsor of the motion on which debate was ended may close.

22           **H50-160. Questions requiring other than a majority vote.** The  
23 following questions require the vote specified for each  
24 condition:

25           **100 House Members**

26           (1) a motion to approve a bill to appropriate the principal  
27 of the tobacco settlement trust fund pursuant to Article XII,



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1 section 4, of the Montana Constitution (two-thirds);

2 (2) a motion to approve a bill to appropriate the principal  
3 of the coal severance tax trust fund pursuant to Article IX,  
4 section 5, of the Montana Constitution (three-fourths);

5 (3) a motion to approve a bill to appropriate highway  
6 revenue, as described in Article VIII, section 6, of the Montana  
7 Constitution, for purposes other than therein described  
8 (three-fifths);

9 (4) a motion to approve a bill to authorize creation of  
10 state debt pursuant to Article VIII, section 8, of the Montana  
11 Constitution (two-thirds);

12 (5) a motion to appropriate the principal of the noxious  
13 weed management trust fund pursuant to Article IX, section 6, of  
14 the Montana Constitution (three-fourths);

15 (6) a motion to temporarily suspend a joint rule governing  
16 the procedure for handling bills pursuant to Joint Rule 60-10(2)  
17 (two-thirds).

18 **Members Present and Voting**

19 (1) a motion to override the Governor's veto pursuant to  
20 H40-260 and Article VI, section 10(3), of the Montana  
21 Constitution (two-thirds);

22 (2) a call of the House with a quorum pursuant to H50-40(1)  
23 (one-third);

24 (3) a motion to lift a call of the House pursuant to  
25 H50-30(3) or H50-40(4) (two-thirds);

26 (4) a motion to rerefer a bill from one committee to  
27 another pursuant to H40-80(1) (three-fifths);

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1 (5) a motion to withdraw a bill from a committee pursuant  
2 to H40-90 (three-fifths);

3 (6) a motion to add legislation to the second or third  
4 reading agenda on that day pursuant to H40-130(2) (three-fifths);

5 (7) a motion to remove legislation from its normal progress  
6 through the House as provided under H40-80(3) and reassign it  
7 unless otherwise specifically provided by these rules, such as  
8 H40-80(2) (three-fifths);

9 (8) a motion to change a vote pursuant to H50-210  
10 (unanimous);

11 (9) a motion to call for cloture pursuant to H40-170(2)  
12 (two-thirds);

13 (10) a motion to approve a bill conferring immunity from  
14 suit as described in Article II, section 18, of the Montana  
15 Constitution (two-thirds);

16 (11) a motion to amend rules pursuant to H70-10(2) or  
17 suspend rules pursuant to H70-30 (two-thirds);

18 ~~(12) a motion to overturn an adverse committee report~~  
19 ~~pursuant to H40-100(2) (three-fifths);~~

20 ~~(13)~~ (12) a motion to record a vote pursuant to H50-200(2)  
21 (one representative);

22 ~~(14)~~ (13) a motion to record a vote in the journal (two  
23 representatives);

24 ~~(15)~~ (14) an appeal of the ruling of the presiding officer  
25 pursuant to H20-20(1) or H20-80(2) (three representatives);

26 ~~(16)~~ (15) a motion to speak more than once on a debatable  
27 motion pursuant to H50-80(1) (unanimous vote);

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1           ~~(17)~~(16) a motion to appeal the presiding officer's  
2 interpretation of the rules to the House Rules Committee pursuant  
3 to H70-50 (15 representatives).

4           **Entire Legislature**

5           (1) a motion to approve a bill proposing to amend the  
6 Montana Constitution pursuant to Article XIV, section 8, of the  
7 Montana Constitution (two-thirds of the entire Legislature).

8           **H50-170. Reconsideration -- time restriction.** (1) Any  
9 representative may, within 1 legislative day of a vote, move to  
10 reconsider the House vote on any matter still within the control  
11 of the House.

12           (2) A motion to reconsider is a debatable motion, but the  
13 debate is limited to the motion. The debate on a motion to  
14 reconsider is limited to two proponents and two opponents to the  
15 motion and the debate may not address the substance of the matter  
16 for which reconsideration is sought. However, an inquiry may be  
17 made concerning the purpose of the motion to reconsider.

18           ~~(2)~~(3) A motion for reconsideration, unless tabled or  
19 replaced by a substitute motion, must be disposed of when made.

20           ~~(3)~~(4) When a motion for reconsideration fails, the  
21 question is finally settled. A motion for reconsideration may not  
22 be renewed or reconsidered.

23           ~~(4)~~(5) A motion to recall legislation from the Senate  
24 constitutes a motion to reconsider and is subject to the same  
25 rules.

26           ~~(5)~~(6) A motion for reconsideration is not in order on a  
27 vote to postpone to a day certain or to table legislation.

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1           ~~(6)~~(7) There may be only one reconsideration vote on a  
2 specific issue on a legislative day.

3           **H50-180. Renewing procedural motions.** The House may renew a  
4 procedural motion if further House business has intervened.

5           **H50-190. Tabling.** (1) Under Order of Business No. 9, a  
6 representative may move to table any question, motion, or  
7 legislation before the House except the question of a quorum or a  
8 call of the House. The motion is nondebatable and may not be  
9 amended.

10           (2) When a matter has been tabled, a representative may  
11 move to take it from the table under Order of Business No. 9 on  
12 any legislative day.

13           **H50-200. Voting -- conflict of interest -- present by**  
14 **electronic means.** (1) The representatives shall vote to decide  
15 any motion or question properly before the House. Each  
16 representative has one vote.

17           (2) The House may, without objection, use a voice vote on  
18 procedural motions that are not required to be recorded in the  
19 journal. If a representative rises and objects, the House shall  
20 record the vote.

21           (3) The House shall record the vote on all substantive  
22 questions. If the voting system is inoperable, the Chief Clerk  
23 shall record the representatives' votes by other means.

24           (4) A member who is present shall vote unless the member  
25 has disclosed a conflict of interest to the House.

26           (5) A member may be present for a vote by electronic means.

27           **H50-210. Changing a vote -- consent required.** (1) A

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1 representative may move to change the representative's vote  
2 within 1 legislative day of the vote. The motion is nondebatable.  
3 The motion must be made on Order of Business No. 9, motions. All  
4 of the members present and voting are required to consent to the  
5 change in order for it to be effective.

6 (2) The representative making the motion shall first  
7 specify the bill number, the question, and the original vote  
8 tally. A vote may not be changed if it would affect the outcome  
9 of legislation.

10 (3) A vote change must be entered into the journal as a  
11 notation that the member's vote was changed. The original  
12 printed vote will not be reprinted to reflect the change.

13 (4) An error caused by a malfunction of the voting system  
14 may be corrected without a vote.

15 **H50-220. Absentee votes -- restrictions.** (1) An excused  
16 representative may file an absentee vote authorization form to  
17 vote during the excused absence on any vote for which absentee  
18 voting is allowed.

19 (2) An excused representative shall sign an absentee vote  
20 authorization form that specifies the motion and the desired  
21 vote.

22 (3) The absentee vote authorization form must be handed in  
23 at the rostrum by the party whip or designated representative  
24 before voting on the motion has commenced.

25 (4) The absentee vote authorization may be revoked before  
26 the vote by the member who signed the authorization.

27 (5) Absentee voting is not allowed on third reading or on

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1 motions specified as present and voting pursuant to H50-70.

2 **H50-230. Recess.** The House may stand at ease or recess under  
3 any order of business by order of the Speaker or a majority vote.  
4 The recess may be ended at the call of the chair or at a time  
5 specified.

6 **H50-240. Adjournment for a legislative day.** (1) A  
7 representative may move that the House adjourn for that  
8 legislative day. The motion is nondebatable and may be made under  
9 any order of business except Order of Business No. 7.

10 (2) A motion to adjourn for a legislative day must specify  
11 a date and time for the House to convene on the subsequent  
12 legislative day.

13 **H50-250. Adjournment sine die.** Subject to Article V, section  
14 10(5), of the Montana Constitution, a representative may move  
15 that the House adjourn for the session. The motion is  
16 nondebatable and may be made under any order of business except  
17 Order of Business No. 7.

## 18 CHAPTER 6

### 19 Motions

20 **H60-10. Proposal for consideration.** (1) Every question  
21 presented to the House or a committee must be submitted as a  
22 definite proposition.

23 (2) A representative has the right to understand any  
24 question before the House and, under the authority of the  
25 presiding officer, may ask questions to exercise this right.

26 **H60-20. Nondebatable motions.** The following motions, in  
27 addition to any other motion specifically designated, must be

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1 decided without debate:

2 (1) to adjourn;

3 (2) for a call of the House;

4 (3) to recess or rise;

5 (4) for parliamentary inquiry;

6 (5) to table or to take from the table;

7 (6) to call for the previous question or for cloture;

8 (7) to amend a nondebatable motion;

9 (8) to divide a question;

10 (9) to suspend the rules; and

11 (10) all incidental motions, such as motions relating to  
12 voting or of a general procedural nature.

13 **H60-30. Motions allowed during debate.** (1) When a  
14 question is under debate, only the following motions are in  
15 order. The motions have precedence in the following order:

16 (a) to adjourn;

17 (b) for a call of the House;

18 (c) to recess or rise;

19 (d) for a question of privilege;

20 (e) to table or take from the table;

21 (f) to call for the previous question or cloture;

22 (g) to postpone consideration to a day certain;

23 (h) to refer or rerefer; and

24 (i) to propose amendments.

25 (2) This section does not allow a motion that would not  
26 otherwise be allowed under a particular order of business.

27 (3) Only one substitute motion is in order at any time.

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1           **H60-40. Motions to adjourn or recess.** (1) A motion to  
2 adjourn or recess is always in order, except:

3           (a) when the House is voting on another motion;

4           (b) when the previous question has been ordered and before  
5 the final vote;

6           (c) when a member entitled to the floor has not yielded for  
7 that purpose; or

8           (d) when business has not been transacted after the defeat  
9 of a motion to adjourn or recess.

10           (2) A motion to adjourn sine die pursuant to H50-250 is  
11 subject to Article V, section 10(5), of the Montana Constitution.

12           (3) The vote by which a motion to adjourn or recess is  
13 carried or fails is not subject to a motion to reconsider.

14           **H60-50. Motion to table.** (1) A motion to table, if  
15 carried, has the effect of postponing action on the proposition  
16 to which it was applied until superseded by a motion to take from  
17 the table.

18           (2) After a vote on a motion to table is carried or fails,  
19 the motion cannot be reconsidered.

20           (3) A motion to table is not in order after the previous  
21 question has been ordered.

22           **H60-60. Motion to postpone.** A motion to postpone to a day  
23 certain may be amended and is debatable within narrow limits. The  
24 merits of the proposition that is the subject of the motion to  
25 postpone may not be debated.

26           **H60-70. Motion to refer.** When a motion is made to refer a  
27 subject to a standing committee or select committee, the question



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1 on the referral to a standing committee must be put first.

2 **H60-80. Terms of debate on motion to refer or rerefer.** (1)

3 A motion to refer or rerefer is debatable within narrow limits.

4 The merits of the proposition that is the subject of the motion  
5 may not be debated.

6 (2) A motion to refer or rerefer with instructions is fully  
7 debatable.

8 **H60-100. Moving the previous question after a motion to**

9 **table.** (1) If a motion to table is made directly to a main  
10 motion, a motion for the previous question is not in order.

11 (2) If an amendment to a main motion is pending and a  
12 motion to table is made, the previous question may be called on  
13 the main motion, the pending amendment, and the motion to table  
14 the amendment.

15 **H60-110. Standard motions.** The following are standard  
16 motions:

17 (1) moving House bills or resolutions on second reading,  
18 "Mister/Madam Chairman, I move that when this committee does rise  
19 and report after having under consideration House Bill \_\_\_, that  
20 it recommend the same (do pass)/(do pass as amended)/(do not  
21 pass)."

22 (2) moving Senate bills and Senate amendments to House  
23 bills, "Mister/Madam Chairman, I move that when this committee  
24 does rise and report after having under consideration Senate Bill  
25 \_\_\_/Senate amendments to House Bill \_\_\_, that it recommend the  
26 same (be concurred in)/(be not concurred in)."

27 (3) Committee of the Whole floor amendments, "Mister/Madam

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1 Chairman, I move that House Bill \_\_\_/Senate Bill \_\_\_ be amended  
2 and request that the amendment be posted and deemed read."

3 (4) introducing visitors, "Mister/Madam Speaker/Chairman, I  
4 request that we be off the record and out of the journal."

5 (5) changing a vote, "Mister Speaker, I would like my vote  
6 changed on House Bill \_\_\_/Senate Bill \_\_\_ from (yes/no) to  
7 (yes/no). The question on the bill was ( ) with a vote tally of  
8 \_\_\_ for and \_\_\_ against."

9 (6) question another representative, "Mister/Madam  
10 Speaker/Chairman, would Representative \_\_\_ yield to a question?"

11 **CHAPTER 7**

12 **Rules**

13 **H70-10. House rules -- amendment -- report timing.** (1) The  
14 House may adopt, through a House resolution passed by a majority  
15 of its members, rules to govern its proceedings.

16 (2) After adoption of the House rules, two-thirds of the  
17 representatives voting must vote in favor of the question to  
18 amend the rules.

19 (3) The Speaker shall refer to the House Rules Committee  
20 all resolutions for House rules.

21 (4) The House Rules Committee shall report all resolutions  
22 for House rules within 1 legislative day of referral.

23 **H70-20. Tenure of rules.** Rules adopted by the House remain  
24 in effect until removed by House resolution or until a new House  
25 is elected and takes office.

26 **H70-30. Suspension of rules.** The House may suspend a House  
27 rule on a motion approved by not less than two-thirds of the

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1 members voting.

2 **H70-40. Supplementary rules.** Mason's Manual of Legislative  
3 Procedure (2000) governs House proceedings in all cases not  
4 covered by House rules.

5 **H70-50. Interpreting rules -- appeal.** The Speaker shall  
6 interpret all questions on House rules, subject to appeal by any  
7 15 representatives to the House Rules Committee. Unless the delay  
8 would cause legislation to fail to meet a scheduled deadline, the  
9 House Rules Committee may consider and report on the appeal on  
10 the next legislative day. The decision of the House Rules  
11 Committee may be appealed to the House by any representative.

12 **H70-60. Joint rules superseded.** A House rule, insofar as it  
13 relates to the internal proceedings of the House, supersedes a  
14 joint rule.

## 15 **Appendix**

16 (1) Except as provided in subsections (2) through (4),  
17 legislation dealing with an enumerated subject must be referred  
18 to a standing committee as follows:

19 **Agriculture:** Agriculture; country of origin labeling for  
20 products; crops; crop insurance; farm subsidies; fuel produced  
21 from grain; grazing (other than state land leases); irrigation;  
22 livestock; poultry; and weed control.

23 **Appropriations:** Appropriations for the Legislature, general  
24 government, and bonding, including supplemental appropriations  
25 and the coal severance tax.

26 **Business and Labor:** Alcohol regulation other than taxation;  
27 associations; corporations; credit transactions; employment;

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1 financial institutions; gambling; insurance; labor unions;  
2 partnerships; private sector pensions and pension plans;  
3 professions and occupations other than the practice of law;  
4 salaries and wages; sales; secured transactions; securities  
5 regulation other than criminal provisions; sports other than  
6 hunting, fishing, and competition water sports; trade regulation;  
7 unemployment insurance; the Uniform Commercial Code; and workers'  
8 compensation.

9 **Education:** Higher education; home schools; K-12 education;  
10 religion in schools; school buildings and other structures;  
11 school libraries and university system libraries; school safety;  
12 school sports; school staff other than teachers; school  
13 transportation; students; teachers; and vocational education and  
14 training.

15 **Ethics:** Ethical standards applicable to members, officers,  
16 and employees of the House and ethical standards for lobbyists.

17 **Federal Relations, Energy, and Telecommunications:** Energy  
18 generation and transmission; Indian reservations; international  
19 relations; interstate cooperation and compacts, except those  
20 relating to law enforcement and water compacts; relations with  
21 the federal government; relations with sovereign Indian tribes;  
22 telecommunications; and utilities other than municipal utilities.

23 **Fish, Wildlife, and Parks:** Fish; fishing; hunting; outdoor  
24 recreation; parks other than those owned by local governments;  
25 relations with federal and state governments concerning fish and  
26 wildlife; Virginia City and Nevada City; water sports; and  
27 wildlife.

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1           **Human Services:** Developmentally disabled persons; disabled  
2 persons; health; health and disability insurance; housing; human  
3 services; mental illness or incapacity; retirement other than  
4 pensions and pension plans; senior citizens; tobacco regulation  
5 other than taxation; and welfare.

6           **Judiciary:** Abortion; arbitration and mediation; civil  
7 procedure; constitutional amendments; consumer protection;  
8 contracts; corrections; courts; criminal law; criminal procedure;  
9 discrimination; evidence; family law; fees imposed by or relating  
10 to the court system; guaranty; human rights; impeachment;  
11 indemnity; judicial system; landlord and tenant; law enforcement;  
12 liability and immunity from liability; minors; practice of law;  
13 privacy; property law; religion other than in schools; state law  
14 library; surety; torts; and trusts and estates.

15           **Legislative Administration:** Interim committees and matters  
16 related to legislative administration, staffing patterns,  
17 budgets, equipment, operations, and expenditures.

18           **Local Government:** Cities; consolidated governments;  
19 counties; libraries and parks owned or operated by local  
20 governments; local development; local government finance and  
21 revenue; local government officers and employees, local planning;  
22 special districts and other political subdivisions, except school  
23 districts; towns; and zoning.

24           **Natural Resources:** Board of Land Commissioners; dams, except  
25 for electrical generation; emission standards; environmental  
26 protection; extractive activities; fires and fire protection,  
27 except for a local government fire department; forests and

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1 forestry; hazardous waste; mines and mining; natural gas; natural  
2 resources; oil; pollution; solid waste; state land, except state  
3 parks; water and water rights; water bodies and water courses;  
4 and water compacts.

5 **Rules:** House rules; joint rules; legislative procedure;  
6 jurisdictions of committees; and rules of decorum.

7 **State Administration:** Administrative rules; arts and  
8 antiquities; ballots; elections; initiative and referendum  
9 procedures; military affairs; public contracts and procurement;  
10 public employee retirement systems; state buildings; state  
11 employees; state employee benefits; state equipment and property,  
12 except state lands and state parks; state government generally;  
13 state-owned libraries other than the state law library; veterans;  
14 and voting.

15 **Taxation:** Taxes other than fuel taxes.

16 **Transportation:** Fuel taxes; highways; railroads; roads;  
17 traffic regulation; transportation generally; vehicles; and  
18 vehicle safety.

19 (2) If a select committee is created to address a specific  
20 subject, then bills relating to that subject must be assigned to  
21 the select committee.

22 (3) (a) If legislation deals with more than one subject and  
23 the subjects are assigned to more than one committee, the bill  
24 must be assigned to a class one committee before a class two  
25 committee and to a class two committee before a class three  
26 committee. If there is a conflict of subjects between the same  
27 class of committees, then the bill must be assigned by the

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1 Speaker.

2 (b) If a bill contains substantive provisions dealing with  
3 policy and an appropriation, the bill must be referred to the  
4 committee with jurisdiction over the subject addressed in the  
5 policy provisions. If the bill is reported from the committee to  
6 which it was assigned, the Speaker may rerefer the bill to the  
7 Appropriations Committee. The referral must be announced to the  
8 House. The rereferral does not require action or approval by the  
9 House, but may be overturned by a majority vote.

10 (4) If a committee chair upon consultation with the vice  
11 chair determines that the committee cannot effectively process  
12 all bills assigned to the committee because of time limitations,  
13 the chair shall, in writing, request the Speaker to reassign  
14 specific bills. The Speaker shall reassign the bills to an  
15 appropriate committee. The reassignments must be announced to the  
16 House. The reassignments do not require action or approval by the  
17 House, but may be overturned by a three-fifths vote.

18 - END -

19 {Name : Todd M. Everts  
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1                   \*\*\*\* Senate Resolution No. \*\*\*\*

2                   Introduced By \*\*\*\*\*

3                   By Request of the \*\*\*\*\*

4  
5 A Resolution of the Senate of the State of Montana adopting the  
6 senate rules.

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

10           That the following Senate Rules be adopted:

11                                   **RULES OF THE MONTANA**

12   **SENATE**

13   **CHAPTER 1**

14   **Administration**

15           **S10-10. Officers of the Senate.** The officers of the Senate  
16 are the officers listed and elected in accordance with Title 5,  
17 chapter 2, part 2, MCA.

18           **S10-20. Term of office.** The term of office for the officers  
19 and employees of the Senate established by law is until the  
20 succeeding Legislature is organized. This rule may not be  
21 construed to mean the staff will be full-time employees during an  
22 interim.

23           **S10-30. President, President pro tempore, and other**  
24 **officers.** (1) The Senate shall, at the beginning of each regular  
25 session, and at other times as may be necessary, elect a Senator  
26 as President and a Senator as President pro tempore.

27           (2) The Senate shall choose its other officers and is the



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1 judge of the elections, returns, and qualifications of the  
2 Senators.

3 **S10-40. Voting by presiding officer.** Any Senator, when  
4 acting as presiding officer of the Senate, shall vote as any  
5 other Senator.

6 **S10-50. Presiding officer and duties.** (1) The presiding  
7 officer of the Senate is the President of the Senate, who must be  
8 chosen in accordance with law.

9 (2) The President shall take the chair on every legislative  
10 day at the hour to which the Senate adjourned at the last  
11 sitting.

12 (3) The President may name a Senator to perform the duties  
13 of the President when the President pro tempore is not present in  
14 the Senate chamber. The Senator who is named is vested during  
15 that time with all the powers of the President.

16 (4) The President has general control over the assignment  
17 of rooms for the Senate and shall preserve order and decorum. The  
18 President may order the galleries and lobbies cleared in case of  
19 disturbance or disorderly conduct.

20 (5) The President shall sign all necessary certifications  
21 of the Senate, including enrolled bills and resolutions,  
22 journals, subpoenas, and payrolls. The President's signature must  
23 be attested by the Secretary of the Senate.

24 (6) The President shall approve the calendar for each  
25 legislative day.

26 (7) The President is the chief administrative officer of  
27 the Senate, with authority for the general supervision of all

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1 Senate employees. The President may seek the advice and counsel  
2 of the Legislative Administration Committee.

3 (8) The President of the Senate is the authorized approving  
4 authority of the Senate during the term of election to that  
5 office.

6 (9) The President shall refer bills to committee upon  
7 introduction or reception in the office of the Secretary of the  
8 Senate.

9 **S10-60. Succession.** (1) In case of the absence or  
10 disqualification of the President, the President pro tempore of  
11 the Senate shall perform the duties of the President until the  
12 vacancy is filled or the disability removed.

13 (2) Whenever the President pro tempore of the Senate is of  
14 the opposite political party from that of the President, the  
15 following procedure applies:

16 (a) If the President dies while in office, the members of  
17 the Senate have the right to immediately nominate and elect an  
18 acting President of the same party.

19 (b) If the President is absent for 2 or more legislative  
20 days or at any time after the 85th legislative day or at any time  
21 during special session of the Legislature and wants to appoint an  
22 acting President during the President's absence, the President  
23 may do so, or the members of the Senate have the right to  
24 immediately nominate and elect an acting President of the  
25 President's caucus.

26 (c) An acting President of the Senate has the powers of the  
27 President and supersedes the powers of the President pro tempore.

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1           **S10-70. President-elect.** The President-elect nominated by  
2 the appropriate party caucus held in accordance with section  
3 5-2-201, MCA, has the responsibility and authority to assume the  
4 duties of President of the Senate.

5           **S10-80. Legislative Administration Committee duties.** (1) The  
6 Legislative Administration Committee shall consider matters  
7 relating to legislative administration, staffing patterns,  
8 budgets, equipment, operations, and expenditures.

9           (2) The committee has authority to act in the interim to  
10 prepare for future legislative sessions.

11           (3) The committee shall approve contracts for purchase or  
12 lease of equipment and supplies for the Senate, subject to the  
13 approval of the President.

14           (4) The committee shall consider disputes or complaints  
15 involving the competency or decorum of legislative employees  
16 referred to it by the President and recommend dismissal,  
17 suspension, or retention of employees.

18           (5) The chair of the Legislative Administration Committee  
19 may, upon approval of the President, have purchase orders and  
20 requisitions prepared and forwarded to the accounting office in  
21 the Legislative Services Division.

22           **S10-90. Majority Leader.** The primary functions of the  
23 majority leader usually relate to floor duties. The duties of the  
24 majority leader may include but are not limited to:

25           (1) being the lead speaker for the majority party during  
26 floor debates;

27           (2) helping the President develop the calendar;

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1 (3) assisting the President with program development,  
2 policy formation, and policy decisions;

3 (4) presiding over the majority caucus meetings; and

4 (5) other duties as assigned by the caucus.

5 **S10-100. Majority Whip.** The duties of the majority whip may  
6 include but are not limited to:

7 (1) assisting the majority leader;

8 (2) ensuring member attendance;

9 (3) counting votes;

10 (4) generally communicating the majority position; and

11 (5) other duties as assigned by the caucus.

12 **S10-110. Minority Leader.** The minority leader is the  
13 principal leader of the minority caucus. The duties of the  
14 minority leader may include but are not limited to:

15 (1) developing the minority position;

16 (2) negotiating with the majority party;

17 (3) directing minority caucus activities on the chamber  
18 floor;

19 (4) leading debate for the minority; and

20 (5) other duties as assigned by the caucus.

21 **S10-120. Minority Whip.** The major responsibilities for the  
22 minority whip may include but are not limited to:

23 (1) assisting the minority leader on the floor;

24 (2) counting votes;

25 (3) ensuring attendance of minority party members; and

26 (4) other duties as assigned by the caucus.

27 **S10-130. Senate employees.** (1) In addition to the employees

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1 appointed by the President in accordance with section 5-2-221,  
2 MCA, the Senate shall employ staff recommended by the leadership  
3 and the Legislative Administration Committee as necessary to  
4 perform the functions of the Senate.

5 (2) The Secretary of the Senate shall designate a secretary  
6 to take and prepare written minutes of committee meetings for  
7 each standing committee. A committee secretary is immediately  
8 responsible to the chair, but shall work under the overall  
9 direction of the Secretary of the Senate, subject to authority of  
10 the committee chair.

11 (3) The President, majority leader, and minority leader may  
12 each appoint a private secretary.

13 **S10-140. Secretary of the Senate and duties.** The Secretary  
14 of the Senate works under the direction of the President. The  
15 responsibilities of the Secretary of the Senate include:

16 (1) performing the duties prescribed by law or other  
17 provisions of these rules;

18 (2) serving as parliamentary advisor to the Senate;

19 (3) compiling and maintaining the calendar for approval by  
20 the President;

21 (4) keeping the leadership informed on the progress and  
22 workload of the Senate;

23 (5) transmitting bills with appropriate messages to the  
24 House of Representatives as instructed by action of the Senate;

25 (6) keeping and maintaining records of the Senate; and

26 (7) supervision of the Senate employees, except as  
27 otherwise provided.

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1           **S10-150. Sergeant-at-Arms duties.** Under the direction of the  
2 President, the Sergeant-at-Arms shall:

3           (1) maintain order as directed by the President or chair of  
4 the Committee of the Whole;

5           (2) enforce the lobbying rules of the Senate;

6           (3) supervise the employees assigned to the Sergeant's  
7 office;

8           (4) receive, distribute, and maintain supplies, equipment,  
9 and other inventory of the Senate, along with records of purchase  
10 and disposal in accordance with law;

11           (5) perform duties as required by other rules and the  
12 Senate.

13           **S10-160. Legislative aides.** Each Senator may designate one  
14 person of legal age to serve as an aide during the session.  
15 Exceptions to this policy may be approved by the Rules Committee.  
16 The Senator shall register an aide with the Secretary of the  
17 Senate and arrange for the purchase of a name tag with the  
18 Sergeant-at-Arms.

19           **S10-170. Senate journal.** (1) The Senate shall keep and  
20 authenticate a journal of its proceedings as required by law and  
21 the rules.

22           (2) The Secretary of the Senate will supervise the  
23 preparation of the journal by the journal clerks trained by the  
24 Legislative Services Division under the direction of the  
25 President.

26           (3) In addition to the proceedings required by law to be  
27 recorded, the journal must include:

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1 (a) committee reports;

2 (b) every motion, the name of the Senator presenting it,  
3 and its disposition;

4 (c) the introduction of legislation in the Senate;

5 (d) consideration of legislation subsequent to  
6 introduction;

7 (e) roll call votes;

8 (f) messages from the Governor and the House of  
9 Representatives;

10 (g) every amendment, the name of the Senator presenting it,  
11 and its disposition;

12 (h) the names of Senators and their votes on any question  
13 upon a request by two Senators before a vote is taken; and

14 (i) any other records the Senate directs by rule or action.

15 (4) The Secretary of the Senate shall provide information  
16 that may be necessary for the preparation of the daily journal  
17 for printing by the Legislative Services Division. Upon approval  
18 by the President, the daily journal must be reproduced and made  
19 available.

20 (5) Any Senator may examine the daily journal and propose  
21 corrections. Without objection by the Senate, the President may  
22 direct the correction to be made.

23 (6) The President shall authenticate the original daily  
24 journal, from time to time, and the Secretary of the Senate  
25 shall, as appropriate, deliver it to the Legislative Services  
26 Division to be prepared for publication and distribution in  
27 accordance with law.

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## CHAPTER 2

### Decorum

1  
2  
3       **S20-10. Questions of order -- appeal.** The President of the  
4 Senate shall decide all questions of order, subject to an appeal  
5 by any Senator seconded by two other Senators. A Senator may not  
6 speak more than once on an appeal without the consent of a  
7 majority of the Senate.

8       **S20-20. Violation of rules -- call to order -- appeal.** (1)  
9 If a Senator, in speaking or otherwise, violates the rules of the  
10 Senate, the President shall, or the majority leader or minority  
11 floor leader may, call the Senator to order, in which case the  
12 Senator called to order must be seated immediately.

13       (2) The Senator called to order may move for an appeal to  
14 the Senate, and if the motion is seconded by two Senators, the  
15 matter must be submitted to the Senate for determination by  
16 majority vote. The motion is nondebatable.

17       (3) If the decision of the Senate is in favor of the  
18 Senator called to order, the Senator may proceed. If the decision  
19 is against the Senator, the Senator may not proceed.

20       (4) If a Senator is called to order, the matter may be  
21 referred to the Rules Committee by the minority or majority  
22 leader. The Committee may recommend to the Senate that the  
23 Senator be censured or be subject to other action. Censure  
24 consists of an official public reprimand of a Senator for  
25 inappropriate behavior. The Senate shall act upon the  
26 recommendation of the Committee.

27       **S20-30. Questions of privilege -- restrictions.** (1)



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1 Questions of privilege in order of precedence are those:

2 (a) affecting the collective rights, safety, dignity, or  
3 integrity of the proceedings of the Senate; and

4 (b) affecting the rights, reputation, or conduct of  
5 individual Senators in their capacity as Senators.

6 (2) A Senator may not address the Senate on a question of  
7 privilege between the time:

8 (a) an undebatable motion is offered and the vote is taken  
9 on the motion;

10 (b) the previous question is ordered and the vote is taken  
11 on the proposition included under the previous question; or

12 (c) a motion to lay on the table is offered and the vote is  
13 taken on the motion.

14 **S20-40. Recognition by chair.** A Senator desiring to speak  
15 shall rise and address the presiding officer and, once being  
16 recognized, shall speak standing in place. The presiding officer  
17 may grant permission for a speaker to speak from elsewhere in the  
18 chamber. When two or more Senators rise at the same time, the  
19 presiding officer shall name the order of the speakers.

20 **S20-50. Floor privileges.** (1) When the Senate is in session  
21 no person is permitted in the chambers except:

22 (a) legislators;

23 (b) legislative officers and employees whose presence is  
24 necessary for the conduct of business of the session;

25 (c) registered representatives of the media; and

26 (d) former legislators (not currently registered as  
27 lobbyists).

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1 (2) The President may make exceptions for visiting  
2 dignitaries.

3 (3) Beginning 1 hour before and ending one-half hour after  
4 adjournment, no person is permitted in the chambers except those  
5 authorized as exceptions under subsection (1) or (2).

6 **S20-60. Communications to Senate.** A communication to the  
7 Senate must be addressed to the President and must bear the name  
8 of the person submitting it. The President shall decide if the  
9 communication bears including in the calendar.

10 **S20-70. Distribution of materials on floor -- exception.** (1)  
11 Subject to subsection (2), material may not be distributed on the  
12 Senators' desks in the chamber unless the material bears the  
13 signature of the bearer and a Senator and has been approved by  
14 the President.

15 (2) Subsection (1) does not apply to material written by  
16 staff at the request of a Senator and placed on the Senator's  
17 desk.

## 18 CHAPTER 3

### 19 Committees

20 **S30-10. Committee appointments.** (1) There is a Committee on  
21 Committees consisting of six members. If the Senate is evenly  
22 divided between parties, the committee shall consist of six  
23 Senators, three from the majority party and three from the  
24 minority party.

25 (2) The Committee on Committees shall, with the approval of  
26 the Senate, appoint the members of Senate standing committees,  
27 select committees, and joint committees. Prior to making

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1 committee assignments, the Committee on Committees shall take  
2 into consideration the recommendations of the minority leader for  
3 minority committee assignments.

4 (3) The President of the Senate shall appoint all  
5 conference committees and special committees, with the advice of  
6 the majority leader and minority leader.

7 (4) The Senate may change the membership of any committee  
8 on 1 day's notice.

9 **S30-20. Standing committees -- classification.** (1) The  
10 standing committees of the Senate are as follows:

11 (a) class one committees:

12 (i) Business, Labor, and Economic Affairs;

13 (ii) Finance and Claims;

14 (iii) Judiciary; and

15 (iv) Taxation;

16 (b) class two committees:

17 (i) Education and Cultural Resources;

18 (ii) Local Government;

19 (iii) Natural Resources;

20 (iv) Public Health, Welfare, and Safety; and

21 (v) State Administration;

22 (c) class three committees:

23 (i) Agriculture, Livestock, and Irrigation;

24 (ii) Energy;

25 (iii) Fish and Game; and

26 (iv) Highways and Transportation; and

27 (d) on call committees:

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- 1 (i) Ethics;  
2 (ii) Legislative Administration; and  
3 (iii) Rules.

4 (2) A class 1 committee is scheduled to meet Monday through  
5 Friday. A class 2 committee is scheduled to meet Monday,  
6 Wednesday, and Friday. A class 3 committee is scheduled to meet  
7 Tuesday and Thursday. Unless a class is prescribed for a  
8 committee, it meets upon the call of the chair.

9 (3) The Legislative Council shall review the workload of  
10 the standing committees to determine if any change is indicated  
11 in the class of a standing committee for the next legislative  
12 session. The Legislative Council's recommendations must be  
13 submitted to the leadership nominated or elected at the  
14 pre-session caucus provided for in 5-2-201.

15 **S30-40. Ex officio members -- quorum.** (1) A quorum of a  
16 committee is a majority of the members of the committee. A  
17 quorum of a committee must be present at a meeting to act  
18 officially. A quorum of a committee may transact business, and a  
19 majority of the quorum, even though it is a minority of the  
20 committee, is sufficient for committee action.

21 (2) The majority leader and the minority leader are ex  
22 officio nonvoting members of all committees in order to establish  
23 a quorum.

24 **S30-50. Chair's duties.** (1) The chair of a committee is the  
25 presiding officer of that committee and is responsible for:

26 (a) maintaining order within the committee room and its  
27 environs;

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- 1 (b) scheduling hearings and executive action;
- 2 (c) supervising committee work, including the appointment
- 3 of subcommittees to act on a formal or informal basis; and
- 4 (d) authenticating committee reports by signing them and
- 5 submitting them promptly to the Secretary of the Senate. The
- 6 chair shall sign business reports reflecting action taken in each
- 7 committee meeting that enable the preparation of committee
- 8 minutes. The minutes must be printed on archival paper.

9 (2) The Secretary of the Senate shall arrange to have the

10 minutes copied in an electronic format. An electronic copy will

11 be provided to the Legislative Services Division and the State

12 Law Library of Montana. The archival paper copy must be delivered

13 to the Montana Historical Society.

14 **S30-60. Meetings -- notice -- purpose -- minutes.** (1) All

15 meetings of committees must be open to the public at all times,

16 subject always to the power and authority of the chair to

17 maintain safety, order, and decorum. The date, time, and place of

18 committee meetings must be announced.

19 (2) Notice of a committee hearing must be made by posting

20 the date, time, and subject of the hearing in a conspicuous

21 public place not less than 3 legislative days in advance of the

22 hearing. This 3-day notice requirement does not apply to hearings

23 scheduled:

- 24 (a) prior to the third legislative day;
- 25 (b) less than 10 legislative days before the transmittal
- 26 deadline applicable to the subject of the hearing;
- 27 (c) to consider confirmation of a gubernatorial appointment

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1 received less than 10 legislative days before the last scheduled  
2 day of a legislative session; or

3 (d) due to appropriate circumstances.

4 (3) When a committee hearing is scheduled with less than 3  
5 days' notice, the committee chair shall use all practical means  
6 to disseminate notice of the hearing to the public.

7 (4) Notice of conference committee hearings must be given  
8 as provided in Joint Rule 30-30.

9 (5) A committee or subcommittee may be assembled for:

10 (a) a public hearing at which testimony is to be heard and  
11 at which official action may be taken on bills, resolutions, or  
12 other matters;

13 (b) a formal meeting at which the committees may discuss  
14 and take official action on bills, resolutions, or other matters  
15 without testimony; or

16 (c) a work session at which the committee may discuss  
17 bills, resolutions, or other matters but take no formal action.

18 (6) All committees meet at the call of the chair or upon  
19 the request of a majority of the members of the committee.

20 (7) A committee may not meet during the time the Senate is  
21 in session without leave of the President. Any Senator attending  
22 a meeting while the Senate is in session must be considered  
23 excused to attend business of the Senate subject to a call of the  
24 Senate.

25 (8) All meetings of committees must be recorded and the  
26 minutes must be available to the public within a reasonable time  
27 after the meeting. The official record must contain at least the

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1 following information:

2 (a) the time and place of each meeting of the committee;

3 (b) committee members present, excused, or absent;

4 (c) the names and addresses of persons appearing before the  
5 committee, whom each represents, and whether the person is a  
6 proponent, opponent, or other witness;

7 (d) all motions and their disposition;

8 (e) the results of all votes; and

9 (f) all testimony and exhibits.

10 (9) If a bill is heard in a joint committee, it must be  
11 referred to a standing committee. The standing committee is not  
12 required to hold an additional hearing but shall take executive  
13 action and may report the bill to the Committee of the Whole.

14 (10) A bill or resolution may not be considered or become a  
15 law unless referred to a committee and returned from a committee.

16 (11) A bill may be rereferred at any time before its  
17 passage.

18 **S30-70. Procedures -- member privileges.** (1) The chair  
19 shall notify the sponsor of any bill pending before the committee  
20 of the time and place it will be considered.

21 (2) A standing or select committee may not hear legislation  
22 unless the sponsor or one of the cosponsors is present or unless  
23 the sponsor has given written consent.

24 (3) (a) Subject to subsection (3)(b), the committee shall  
25 act on each bill in its possession:

26 (i) by reporting the bill out of the committee:

27 (A) with the recommendation that it be referred to another

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1 committee;

2 (B) favorably as to passage; or

3 ~~(C) unfavorably; or~~

4 (ii) by tabling the measure in committee.

5 (b) At the written request of the sponsor, a committee may  
6 finally dispose of a bill without a hearing. Except as provided  
7 in ~~S30-60(7)~~ S30-60(9), a bill may not be reported from a  
8 committee without a hearing.

9 (4) The committee may not report a bill to the Senate  
10 without recommendation.

11 (5) In reporting a measure out of committee, a committee  
12 shall include in its report:

13 (a) the measure in the form reported out;

14 (b) the recommendation of the committee;

15 (c) an identification of all proposed changes; and

16 (d) a fiscal note, if required.

17 (6) If a measure is taken from a committee and brought to  
18 the Senate floor for debate on second reading on that day without  
19 a committee recommendation, the bill does not include amendments  
20 formally adopted by the committee because committee amendments  
21 are merely recommendations to the Senate that are formally  
22 adopted when the committee report is accepted by the Senate.

23 (7) A second to any motion offered in a committee is not  
24 required in order for the motion to be considered by the  
25 committee.

26 (8) The vote of each member on all committee actions must  
27 be recorded and reported in the committee minutes. All motions



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1 may be adopted only on the affirmative vote of a majority of the  
2 members voting.

3 (9) A motion to take a bill from the table may be adopted  
4 by the affirmative vote of a majority of the members present at  
5 any meeting of the committee.

6 (10) An action formally taken by a committee may not be  
7 altered in the committee except by reconsideration and further  
8 formal action of the committee.

9 (11) A committee may reconsider any action as long as the  
10 matter remains in the possession of the committee. A bill is in  
11 the possession of the committee until a report on the bill is  
12 made to the Committee of the Whole. A committee member need not  
13 have voted with the prevailing side in order to move  
14 reconsideration.

15 (12) The chair shall decide points of order.

16 (13) The privileges of committee members include the  
17 following:

- 18 (a) to participate freely in committee discussions and  
19 debate;
- 20 (b) to offer motions;
- 21 (c) to assert points of order and privilege;
- 22 (d) to question witnesses upon recognition by the chair;
- 23 (e) to offer any amendment to any bill; and
- 24 (f) to vote, either by being present or by proxy, using a  
25 standard form.

26 (14) Any meeting of a committee held through the use of  
27 telephone or other electronic communication must be conducted in

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1 accordance with Chapter 3 of the Senate Rules.

2 (15) A committee may consolidate into one bill any two or  
3 more related bills referred to it whenever legislation may be  
4 simplified by the consolidation.

5 (16) Committee procedure must be informal, but when any  
6 questions arise on committee procedure, the rules or practices of  
7 the Senate are applicable except as stated in the Senate Rules.

8 **S30-80. Public testimony -- decorum -- time restrictions.**

9 (1) Testimony from proponents, opponents, and informational  
10 witnesses must be allowed on every bill or resolution before a  
11 standing or select committee. All persons, other than the  
12 sponsor, offering testimony shall register on the committee  
13 witness list.

14 (2) Any person wishing to offer testimony to a committee  
15 hearing a bill or resolution must be given a reasonable  
16 opportunity to do so, orally or in writing, subject to time  
17 constraints. Written testimony may not be required of any  
18 witness, but all witnesses must be encouraged to submit a  
19 statement in writing for the committee's official record.

20 (3) The chair may order the committee room cleared of  
21 visitors if there is disorderly conduct. During committee  
22 meetings, visitors may not speak unless called upon by the chair.  
23 Restrictions on time available for testimony may be announced.

24 (4) The number of people in a committee room may not exceed  
25 the maximum posted by the State Fire Marshall. The chair shall  
26 maintain that limit.

27 (5) In any committee meeting, the use of cameras,

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1 television, radio, or any form of telecommunication equipment is  
2 allowed, but the chair may designate the areas of the hearing  
3 room from which the equipment must be operated. Cell phone use  
4 is at the discretion of the chair.

5 **S30-100. Pairs prohibited -- absentee or proxy voting.** Pairs  
6 in standing committee are prohibited. Standing and select  
7 committees may by a majority vote of the committee authorize  
8 Senators to vote in absentia while engaged in other legislative  
9 business. Authorization for absentee or proxy voting must be  
10 reflected in the committee minutes.

11 **S30-140. Reconsideration in committee.** A committee may at  
12 any time prior to submitting a report to the Secretary of the  
13 Senate reconsider its previous action on legislation.

14 **S30-150. Committee requested legislation.** (1) (a) Except as  
15 provided in subsection (1)(b), at least three-fourths of all the  
16 members of a standing committee must have voted in favor of the  
17 question to allow the committee to request the drafting and  
18 introduction of legislation.

19 (b) The Finance and Claims Committee may request the  
20 drafting and introduction of legislation by a majority vote of  
21 all of the members of the committee.

22 (2) The chair of a committee shall introduce, or shall  
23 designate a member of the committee to introduce, legislation  
24 requested by the committee. The introduced bill must be referred  
25 to the requesting committee.

26 **S30-160. Ethics Committee.** (1) The Ethics Committee shall  
27 meet only upon the call of the chair after the referral of an

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1 issue from the Rules Committee or to consider a request for a  
2 determination pursuant to subsection (4). The Rules Committee may  
3 be convened to consider the referral of a matter to the Ethics  
4 Committee upon the request of a Senator. The Rules Committee  
5 shall prepare a written statement of the specific question or  
6 issue to be addressed by the Ethics Committee. The issues  
7 referred to the Ethics Committee must be related to the actions  
8 of a Senator during a legislative session.

9 (2) The matters that may be referred to the Ethics  
10 Committee are:

11 (a) a violation of:

12 (i) 2-2-103;

13 (ii) 2-2-104;

14 (iii) 2-2-111;

15 (iv) 2-2-112;

16 (b) the use or threatened use of a Senator's position for  
17 personal or personal business benefit or advantage; or

18 (c) any other violation of law by a Senator while acting in  
19 the capacity of Senator.

20 (3) If there is a recommendation from the Ethics Committee,  
21 the recommendation is made to the Senate.

22 (4) As provided in 2-2-112, a Senator may seek a  
23 determination from the Ethics Committee concerning the  
24 possibility of a personal conflict of interest.

25 **CHAPTER 4**

26 **Legislation**

27 **S40-10. Types of legislation.** The only types of legislation

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1 that may be introduced in the Senate are those that have been  
2 drafted and approved by the Legislative Services Division and  
3 signed by a Senator as chief sponsor. The types of legislation  
4 allowed include:

5 (1) bills of any subject, except appropriations;

6 (2) joint resolutions, which may be used for any purpose  
7 specified in Joint Rule 40-60; and

8 (3) simple resolutions, which may:

9 (a) adopt or amend Senate rules;

10 (b) provide for the internal affairs of the Senate;

11 (c) express confirmation of the Governor's appointments; or

12 (d) make recommendations concerning the districting and  
13 apportionment plan as provided by Article V, section 14(4), of  
14 the Montana Constitution.

15 **S40-20. Introduction -- first reading.** (1) Upon receiving a  
16 bill or resolution from a Senator, the Secretary of the Senate  
17 shall assign an appropriate sequential number, which constitutes  
18 introduction of the legislation. Legislation properly introduced  
19 or received in the Senate must be announced across the rostrum  
20 and public notice provided. This announcement constitutes first  
21 reading, and no debate or motion is in order except that a  
22 Senator may question adherence to rules. Acknowledgment by the  
23 Secretary of the Senate of receipt of legislation transmitted  
24 from the House commences the time limit for consideration of the  
25 legislation. All legislation received by the Senate may be  
26 referred to a committee prior to being read across the rostrum.

27 (2) Bills and resolutions preintroduced as provided in

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1 Joint Rule 40-40 may be assigned to committee and printed prior  
2 to the legislative session. The Legislative Services Division is  
3 responsible for ensuring the preintroduction intent from each  
4 Senator and presenting the preintroduced legislation to the  
5 Secretary of the Senate.

6 (3) Upon referral to committee, the Secretary of the Senate  
7 shall publicly post a listing of the bill or resolution by a  
8 summary of its title, together with a notation of the committee  
9 to which it has been assigned.

10 (4) The sponsor may ask the Legislative Services Division  
11 to change or correct a short title used on the bill status  
12 system.

13 **S40-30. Additional sponsors.** (1) Additional sponsors may be  
14 added on motion of the chief sponsor at any time prior to a  
15 standing committee report on the bill or resolution. Forms for  
16 adding sponsors will be supplied on request by the Secretary of  
17 the Senate.

18 (2) Upon passage of the motion, the names of the additional  
19 sponsors will be printed in the journal and the form containing  
20 the signatures of the additional sponsors will be forwarded to  
21 the Legislative Services Division with the original bill for the  
22 inclusion of the names in subsequent printings of the bill or  
23 resolution.

24 **S40-40. Reading limitations.** (1) Every bill must be read  
25 three times prior to passage, either by title or by summary of  
26 title as provided in these rules.

27 (2) A bill or resolution may not have more than one reading

1 on the same day except the last legislative day.

2 (3) An amendment may not be offered on third reading.

3 **S40-60. Scheduling for second reading.** (1) All bills and  
4 resolutions that have been reported by a committee or withdrawn  
5 from a committee by motion, accepted by the Senate, and  
6 reproduced must be scheduled for consideration by Committee of  
7 the Whole.

8 (2) Until the 50th legislative day, 1 day must elapse  
9 between receiving the legislation from printing and scheduling  
10 for second reading for consideration by Committee of the Whole  
11 unless a printed version of an unamended bill is available.

12 (3) The majority leader shall arrange legislation on the  
13 agenda in the order in which the bills will be considered, unless  
14 otherwise ordered by the Senate or Committee of the Whole.

15 **CHAPTER 5**

16 **Floor Action**

17 **S50-10. Attendance -- mandatory voting -- quorum.** (1)  
18 Unless excused, Senators must be present at every sitting of the  
19 Senate and shall vote on questions put before the Senate.

20 (2) A majority of the Senate shall constitute a quorum to  
21 do business, but a smaller number may adjourn from day to day and  
22 compel the attendance of absent Senators, in the manner and under  
23 penalties as the Senate may prescribe (Montana Constitution, Art.  
24 V, sec. 10(2)).

25 **S50-20. Orders of business.** After prayer, roll call, and  
26 report on the journal, the order of business of the Senate is as  
27 follows:

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

13 To revert to or pass to a new order of business requires  
14 only a majority vote. Unless otherwise specified in the motion to  
15 recess, the Senate shall revert to Order of Business No. 1 when  
16 reconvening after a recess.

17 **S50-30. Limitations on debate.** A Senator may not speak more  
18 than twice on any one motion or question without unanimous  
19 consent of the Senate, unless the Senator has introduced or  
20 proposed the motion or question under debate, in which case the  
21 Senator may speak twice and also close the debate. However, a  
22 Senator who has spoken may not speak again on the same motion or  
23 question to the exclusion of a Senator who has not spoken.

24 **S50-40. Procedure upon offering a motion.** (1) When a motion  
25 is offered it must be restated by the presiding officer. If  
26 requested by the presiding officer or a Senator, it must be  
27 reduced to writing, presented at the rostrum, and read aloud by



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1 the Secretary.

2 (2) A motion may be withdrawn by the Senator offering it at  
3 any time before it is amended or voted upon.

4 **S50-50. Precedence of motions.** (1) When a question is under  
5 debate only the following privileged and subsidiary motions may  
6 be made:

7 (a) to adjourn (nondebatable S50-60);

8 (b) for a call of the Senate (nondebatable S50-60);

9 (c) to recess (nondebatable S50-60);

10 (d) question of privilege;

11 (e) to lay on the table (nondebatable S50-60);

12 (f) for the previous question (nondebatable S50-60);

13 (g) to postpone to a certain day;

14 (h) to refer or commit;

15 (i) to amend; and

16 (j) to postpone indefinitely.

17 (2) The motions listed in subsection (1) have precedence in  
18 the order listed.

19 (3) A question may be indefinitely postponed by a majority  
20 roll call of all Senators present and voting. When a bill or  
21 resolution is postponed indefinitely, it is finally rejected and  
22 may not be acted upon again except upon a motion of  
23 reconsideration as provided in S50-90.

24 (4) A motion or proposition on a subject different from  
25 that under consideration may not be accepted unless a substitute  
26 motion is in order.

27 **S50-60. Nondebatable motions.** The following motions are not

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1 debatable:

2 (1) to adjourn;

3 (2) for a call of the Senate;

4 (3) to recess or rise;

5 (4) for parliamentary inquiry;

6 (5) for suspension of the rules;

7 (6) to lay on the table;

8 (7) for the previous question;

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

10 (9) to amend an undebatable motion;

11 (10) to change a vote (S50-200);

12 (11) to pass business in Committee of the Whole;

13 (12) to take from the table;

14 (13) a decision of the presiding officer, unless appealed or

15 unless the presiding officer submits the question to the Senate

16 for advice or decision; and

17 (14) all incidental motions, such as motions relating to

18 voting or other questions of a general procedural nature.

19 **S50-70. Amending motions -- restrictions.** (1) Subject to

20 subsection (2), no more than one amendment and no more than one

21 substitute motion may be made to a motion. This rule permits the

22 main motion and two modifying motions.

23 (2) A motion for a call of the Senate, for the previous

24 question, to table, or to take from the table may not be amended.

25 **S50-80. Previous question.** (1) Except as provided in

26 subsection (2), the effect of calling for the previous question,

27 if adopted, is to close debate immediately, to prevent the

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1 offering of amendments or other subsidiary motions, and to bring  
2 to vote promptly the immediately pending main question and the  
3 adhering subsidiary motions, whether on appeal or otherwise. The  
4 motion for the previous question is nondebatable as provided in  
5 S50-60(7).

6 (2) When the previous question is ordered on any debatable  
7 question on which there has been no debate, the question may be  
8 debated for one-half hour, one-half of that time to be given to  
9 the proponents and one-half to the opponents. The sponsor of the  
10 main motion on which the previous question is adopted may close  
11 on the motion regardless of whether debate on the main motion has  
12 occurred.

13 (3) A call of the Senate is not in order after the previous  
14 question is ordered unless it appears upon an actual count by the  
15 presiding officer that a quorum is not present.

16 **S50-90. Reconsideration -- time restrictions.** (1) Subject to  
17 subsection (6), any Senator may, on the day the vote was taken or  
18 on the next day the Senate is in session, move to reconsider the  
19 question. A motion to reconsider is a debatable motion, but the  
20 debate is limited to the motion. The debate on a motion to  
21 reconsider may not address the substance of the matter for which  
22 reconsideration is sought. However, an inquiry may be made  
23 concerning the purpose of the motion to reconsider.

24 (2) A motion to reconsider must be disposed of when made  
25 unless a proper substitute motion is made and adopted.

26 (3) A motion to recall a bill from the House of  
27 Representatives constitutes notice to reconsider and must be

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1 acted on as a motion to reconsider. A motion to reconsider or to  
2 recall a bill from the House of Representatives may be made only  
3 under Order of Business No. 6 and, under that order of business,  
4 takes precedence over all motions except motions to recess or  
5 adjourn.

6 (4) When a motion to reconsider is laid on the table, a  
7 two-thirds majority is required to take it from the table. When a  
8 motion to reconsider fails, the question is finally and  
9 conclusively settled.

10 (5) If a motion to reconsider third reading action is  
11 carried, there may not be further action until the succeeding  
12 legislative day.

13 (6) If the Senate has adjourned for more than 2 days, then  
14 a motion to reconsider action taken on the last day the Senate  
15 was in session is in order on the day the Senate reconvenes or on  
16 the following legislative day.

17 **S50-100. Dividing a question -- segregation excluded.** A  
18 Senator may request to divide a question if it includes two or  
19 more propositions so distinct in substance that if one thing is  
20 taken away a substantive question will remain. A vote is not  
21 required on a request to divide a question, but the chair may  
22 rule that a question is not divisible. The ruling of the chair  
23 may be appealed as provided in S20-10 and S20-20. For an appeal  
24 of a ruling of the presiding officer, the question for the Senate  
25 must be stated as, "Shall the ruling of the chair be upheld?". A  
26 motion to segregate pursuant to S50-140(4) is not a request to  
27 divide a question.

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1           **S50-110. Rules for questions or bills requiring other than a**  
2 **majority vote.** (1) Except as provided in subsection (2), a  
3 question or bill requires more than a majority vote for final  
4 passage, a majority vote is sufficient to decide any question  
5 relating to the question or bill prior to third reading.

6           (2) Any vote in the Senate on a bill proposing an amendment  
7 to the Montana Constitution under circumstances in which there  
8 exists the mathematical possibility of obtaining the necessary  
9 two-thirds vote of the Legislature will cause the bill to  
10 progress as though it had received the majority vote. This rule  
11 does not prevent a committee from indefinitely postponing or  
12 tabling a bill proposing an amendment to the Montana  
13 Constitution.

14           (3) If a bill has been amended in the House of  
15 Representatives and the amendments are accepted by the Senate,  
16 the bill must again be placed on third reading in the Senate to  
17 determine if the required number of votes has been cast.

18           **S50-120. Committee reports to Senate -- reconsideration.** (1)  
19 Reports of standing committees must be read on Order of Business  
20 No. 2, and, subject to subsection (4), debate may not be had on  
21 any report.

22 ~~(2) On an adverse committee report, the sponsor may respond~~  
23 ~~to the chair of the committee making the report.~~

24           ~~(3)~~(2) Any Senator seeking a reconsideration of the  
25 Senate's action on the adoption of a committee report shall do so  
26 on Order of Business No. 6 by motion to reconsider as provided in  
27 S50-90. Any Senator may make the reconsideration motion and need

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1 not have voted on the prevailing side. This rule applies  
2 notwithstanding any joint rule to the contrary. Subject to  
3 S50-90(6), the reconsideration motion must be made within 1  
4 legislative day of the adoption of the committee report and is  
5 not in order if the bill has been considered in Committee of the  
6 Whole.

7 (4) (a) Subject to subsection (4)(b), the Rules Committee  
8 and conference committees may report at any time, except during a  
9 call of the Senate, when a vote is being taken, or during  
10 Committee of the Whole.

11 (b) The Rules Committee may report during Committee of the  
12 Whole on matters referred to the Committee by the Committee of  
13 the Whole.

14 **S50-130. Conference committee -- reports.** (1) When a  
15 conference committee report is filed with the Secretary of the  
16 Senate, the report must be read under Order of Business No. 3,  
17 select committees, and placed on the calendar the succeeding  
18 legislative day for consideration on second reading. If  
19 recommended favorably by the Committee of the Whole, it may be  
20 considered on third reading the same legislative day.

21 (2) If both the Senate and the House of Representatives  
22 adopt the same conference committee report on legislation  
23 requiring more than a majority vote for final passage, the  
24 Senate, following approval of the conference committee report on  
25 third reading, shall place the final form of the legislation on  
26 third reading to determine if the required vote is obtained.

27 (3) If the Senate rejects a conference committee report,

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1 the committee continues to exist unless dissolved by the  
2 President or by motion. The committee may file a subsequent  
3 report.

4 (4) A Senate conference committee may confer regarding  
5 matters assigned to it with any House conference committee with  
6 like jurisdiction and submit recommendations for consideration of  
7 the Senate.

8 **S50-140. Second reading -- Committee of the Whole report --**  
9 **segregation -- rejection.** (1) The Senate may resolve itself into  
10 a Committee of the Whole for consideration of business on second  
11 reading, by approval of a motion for that purpose.

12 (2) After a Committee of the Whole has been formed, the  
13 President shall appoint a chair to preside.

14 (3) All legislation considered in the Committee of the  
15 Whole must be read by a summary of its title. The sponsor shall  
16 make an opening statement, proposed amendments must be  
17 considered, and then the bill must be considered in its entirety.

18 (4) Prior to adoption of the Committee of the Whole report,  
19 a Senator may move to segregate legislation. If the motion  
20 prevails, the legislation remains on second reading.

21 (5) When a Committee of the Whole report on legislation is  
22 rejected, the legislation remains on second reading.

23 **S50-150. Committee of the Whole amendments.** (1) All  
24 Committee of the Whole amendments must be prepared by the staff  
25 of the Legislative Services Division, stipulating the date and  
26 time of preparation and staff approval, and delivered to the  
27 Secretary of the Senate for reading before the amendment is voted

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1 on.

2 (2) Each amendment, rejected or adopted, must be printed in  
3 the journal, along with the name of the sponsor and the vote on  
4 each.

5 **S50-160. Motions in Committee of the Whole.** (1) All proper  
6 motions on second reading are debatable unless specified in  
7 S50-60.

8 (2) The only motions in order during Committee of the Whole  
9 are to:

10 (a) recommend passage or nonpassage;

11 (b) recommend concurrence or nonconcurrence (House  
12 amendments to Senate legislation);

13 (c) amend;

14 (d) indefinitely postpone;

15 (e) pass consideration;

16 (f) change the order in which legislation is placed on the  
17 agenda (nondebatable S50-60(14));

18 (g) rise (nondebatable S50-60(3));

19 (h) rise and report progress and ask leave to sit again  
20 (nondebatable S50-60(3)); or

21 (i) rise and report (nondebatable S50-60(3)).

22 (3) The motions listed in subsection (2) may be made in  
23 descending order as listed.

24 **S50-170. Committee of the Whole -- generally.** (1) The  
25 Committee of the Whole may not appoint subcommittees.

26 (2) The Committee of the Whole may not punish its members  
27 for misconduct, but may report disorder to the Senate.



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1           **S50-180. Voting on second reading** ~~positive disposition of~~  
2 **motions.** (1) On Order of Business No. 8, in addition to other  
3 methods, a recorded vote may be made in the following manner: the  
4 chair may call for a voice vote to accept or reject a question.  
5 If the vote is other than unanimous, the chair may ask that the  
6 lesser number on the question indicate their vote by standing.  
7 The Secretary will then record the vote of those standing. The  
8 chair may then rule that unless excused those not standing and  
9 present have voted on the prevailing side of the question and  
10 that their vote be recorded as voting on the prevailing side. If  
11 there was a unanimous voice vote, all those present will be  
12 recorded as having voted for the question.

13 ~~(2) A motion on second reading must be disposed of by a~~  
14 ~~positive vote.~~

15           (2) If a motion to recommend that a bill "do pass" or "be  
16 concurrred in" fails in the Committee of the Whole, the obverse,  
17 i.e., a recommendation that the bill "do not pass" or "be not  
18 concurrred in", is considered to have passed. If a motion to  
19 recommend that a bill "do not pass" or "be not concurrred in"  
20 fails in the Committee of the Whole, the obverse, i.e., a  
21 recommendation that the bill "do pass" or "be concurrred in", is  
22 considered to have passed.

23           **S50-190. Third reading procedure.** (1) Unless rereferred to a  
24 committee by a majority vote after the adoption of the Committee  
25 of the Whole report but before moving to another order of  
26 business, all legislation passing second reading must be placed  
27 on third reading the day following the receipt of the engrossing

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1 or other appropriate printing report.

2 (2) On Order of Business No. 9 the Secretary shall read the  
3 title and the President shall state the question as follows:

4 "Senate bill number (or other appropriate identification).....  
5 having been read three several times, the question is, shall the  
6 bill (or other appropriate identification) pass the Senate?"

7 (3) If an electronic voting system is used, the President  
8 shall state "Those in favor vote yes and those opposed vote no"  
9 and the Secretary will sound the signal and open the board for  
10 voting. After a reasonable pause the presiding officer asks "Has  
11 every member voted?" (reasonable pause), "Does any member wish to  
12 change his or her vote?" (reasonable pause), "The Secretary will  
13 record the vote."

14 **S50-200. Senate voting -- changing a vote -- objection.** (1)  
15 A roll call vote must be taken on the request of two Senators, if  
16 the request occurs before the vote is taken.

17 (2) On a roll call vote the names of the Senators must be  
18 called alphabetically, unless an electronic voting system is  
19 used. A Senator may not vote after the decision is announced from  
20 the chair. A Senator may not explain a vote until after the  
21 decision is announced from the chair.

22 (3) A Senator may move to change the Senator's vote, on any  
23 recorded vote, within 1 legislative day of the vote. The Senator  
24 making the motion shall first specify the bill number, the date  
25 of the vote, and the original vote tally. A vote may not be  
26 changed if it would affect the outcome of legislation. The motion  
27 is nondebatable. If none of the Senators present object, the

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1 change must be entered into the journal.

2 (4) If any Senator objects to the request in subsection  
3 (3), the Senator making the request may move to suspend the rules  
4 to allow the Senator to change the Senator's vote.

5 (5) An error caused by a malfunction of the voting system  
6 may be corrected without a vote within 10 minutes of the  
7 malfunction.

8 **S50-210. Pairs -- Committee of the Whole restriction. (1)**

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

14 (2) An agreement to pair must be in writing and dated and  
15 signed by the Senators agreeing to be bound and must specify the  
16 duration of the pair. When an agreement to pair is filed with the  
17 Secretary of the Senate, it binds the Senators signing until the  
18 expiration of time for which it was signed, unless the paired  
19 Senators sooner appear and ask that the agreement be canceled.

20 (3) Pairs in Committee of the Whole are prohibited.

21 **S50-220. Call of the Senate. (1)** In the absence of a quorum,  
22 a majority of Senators present may compel the attendance of  
23 absent Senators by ordering a call of the Senate.

24 (2) If a quorum is present, five Senators may order a call  
25 of the Senate.

26 (3) On a call of the Senate, a Senator who refuses to  
27 attend may be arrested by the Sergeant-at-Arms or any other

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1 person, as the majority of the Senators present direct. When the  
2 attendance of an absent Senator is secured and the Senate refuses  
3 to excuse the Senator's absence, the Senator may not be paid any  
4 expense payments while absent and is liable for the expenses  
5 incurred in procuring the Senator's attendance.

6 (4) During a call of the Senate, all business must be  
7 suspended. After a call has been ordered, no motion is in order  
8 except a motion to adjourn or remove the call. The call may be  
9 removed by a two-thirds vote of the members present.

10 **S50-230. House amendments to Senate legislation.** (1) When  
11 the House has properly returned Senate legislation with House  
12 amendments, the Senate shall announce the amendments on Order of  
13 Business No. 5 and the President shall place them on second  
14 reading for debate. The President may rerefer Senate legislation  
15 with House amendments to a committee for a hearing if the House  
16 amendments constitute a significant change in the Senate  
17 legislation. The second reading vote is limited to consideration  
18 of the House amendments.

19 (2) If the Senate accepts House amendments, the Senate  
20 shall place the final form of the legislation on third reading to  
21 determine if the legislation, as amended, is passed or if the  
22 required vote is obtained.

23 (3) If the Senate rejects the House amendments, the Senate  
24 may request the House to recede from its amendments or may direct  
25 appointment of a conference committee and request the House to  
26 appoint a like committee.

27 **S50-240. Governor's amendments.** (1) When the Governor

1 returns a bill with recommended amendments, the Senate shall  
2 announce the amendments under Order of Business No. 4.

3 (2) The Senate may debate and adopt or reject the  
4 Governor's recommended amendments on second reading on any  
5 legislative day.

6 (3) If both the Senate and the House of Representatives  
7 accept the Governor's recommended amendments on a bill that  
8 requires more than a majority vote for final passage, the Senate  
9 shall place the final form of the legislation on third reading to  
10 determine if the required vote is obtained.

11 **S50-250. Governor's veto.** (1) When the Governor returns a  
12 bill with a veto, the Senate shall announce the veto under Order  
13 of Business No. 4.

14 (2) On any legislative day, a Senator may move to override  
15 the Governor's veto by a two-thirds vote under Order of Business  
16 No. 6.

17 **CHAPTER 6**

18 **Rules**

19 **S60-10. Senate rules -- amendment -- adoption -- suspension.**

20 (1) A motion to amend or adopt a rule of the Senate must be  
21 referred to the Rules Committee without debate. A rule of the  
22 Senate may be amended or adopted only with the concurrence of a  
23 majority of the Senate and after 1 day's notice.

24 (2) A rule may be suspended temporarily by a two-thirds  
25 vote.

26 **S60-20. Mason's Manual of Legislative Procedure.** Mason's  
27 Manual of Legislative Procedure (2000) governs the proceedings of

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1 the Senate in all cases not covered by these rules.

2 **CHAPTER 7**

3 **Nominations from the Governor**

4 **S70-10. Nominations.** (1) The Governor shall nominate and, by  
5 and with the consent of the Senate, appoint all officers whose  
6 offices are established by the Montana Constitution or which may  
7 be created by law and for whom appointment or election is not  
8 otherwise provided.

9 (2) If during a recess of the Senate a vacancy occurs in  
10 any office subject to Senate confirmation, the Governor shall  
11 appoint some fit person to discharge the duties of the office  
12 until the next meeting of the Senate, when the Governor shall  
13 nominate a person to fill the office.

14 **S70-20. Introduction and first reading of nominations.** (1)

15 Nominations received from the Governor must be:

16 (a) received by the President;

17 (b) delivered to the Secretary of the Senate;

18 (c) read under Order of Business No. 4, messages from the  
19 Governor; and

20 (d) referred to committee. The President of the Senate may  
21 refer any individual nomination contained in a list received from  
22 the Governor to any standing committee.

23 (2) The procedure in subsection (1) constitutes  
24 introduction and first reading of the nominations.

25 (3) The Secretary shall distribute a copy of the list of  
26 nominations to each Senator.

27 **S70-30. Committee process -- preliminary reports -- separate**

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1 **consideration.** (1) (a) The committee shall research each nominee  
2 and may request biographical information from the Governor for  
3 each nominee if none has been provided.

4 (b) The committee chair shall submit a bill draft request  
5 on behalf of the committee for a simple resolution to include the  
6 nominee submitted to the committee or a group of nominees, the  
7 group of nominees being specified by the committee chair. These  
8 bill draft requests will not count against any bill draft request  
9 limit imposed on members. When the resolution has been prepared  
10 and introduced, the committee shall hold a hearing on the  
11 resolution after appropriate public notice has been given.

12 (2) Following the hearings for a group of nominees, the  
13 committee shall issue preliminary standing committee reports to  
14 be distributed to each Senator, stating the committee's  
15 recommendations concerning the nominees. A preliminary standing  
16 committee report is not required for a resolution for a single  
17 nominee pursuant to subsection (5).

18 (3) (a) If a Senator wishes to have an individual nominee  
19 or group of nominees considered by the Senate separately from the  
20 group of nominees recommended by the committee, the Senator may  
21 request of the chair of the committee that the nominee or  
22 nominees be considered by a separate resolution.

23 (b) A Senator shall request separate consideration of a  
24 nominee within 3 days of receipt of the preliminary standing  
25 committee report. The committee chair shall honor this request.

26 (4) After waiting 3 days from the day of distribution of  
27 the preliminary standing committee report, the committee chair

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1 shall issue a final standing committee report and deliver the  
2 report to the Secretary of the Senate.

3 (a) If a nominee is to be separated from the resolution,  
4 the final standing committee report must include an amendment  
5 deleting that nominee.

6 (b) When a nominee has been separated at the request of a  
7 Senator or when a single nomination has been submitted to a  
8 committee, the committee chair shall submit a bill draft request  
9 on behalf of the committee for a simple resolution to include  
10 only the single or separated nominee. When the resolution has  
11 been prepared and introduced, the committee shall take executive  
12 action on the resolution. When a hearing on the separated  
13 nomination was held prior to the committee's preliminary standing  
14 committee report, an additional hearing is not required to be  
15 held before the committee takes action on the separate  
16 resolution. After the committee's executive action, the committee  
17 chair shall issue a standing committee report.

18 (5) If a resolution contains only one nominee, the  
19 committee shall dispense with the preliminary standing committee  
20 report and shall issue a final standing committee report to be  
21 distributed to each Senator stating the committee's  
22 recommendation concerning the nominee.

23 (6) The Secretary will read the reports under Order of  
24 Business No. 2, reports of standing committees.

25 (7) After the report has been read, the resolution must be  
26 placed on Order of Business No. 11 the next legislative day for  
27 consideration by the Senate. Motions to approve or disapprove of



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1 the resolution are in order and may be debated.

2 **Appendix A**

3 List of Questions Requiring Other Than a Majority Vote

4 The following questions require the vote specified:

5 (1) a call of the Senate with a quorum pursuant to  
6 S50-220(2) (five Senators);

7 (2) a motion to lift a call of the Senate pursuant to  
8 S50-220(4) (two-thirds of the members present);

9 (3) a motion to amend or suspend rules pursuant to S60-10  
10 (two-thirds);

11 (4) a motion to override the Governor's veto pursuant to  
12 S50-250 and Article VI, section 10(3), of the Montana  
13 Constitution (two-thirds);

14 (5) a motion to approve a bill to appropriate the principal  
15 of the coal trust fund pursuant to Article IX, section 5, of the  
16 Montana Constitution (three-fourths of each house);

17 (6) a motion to approve a bill to appropriate highway  
18 revenue as described in Article VIII, section 6, of the Montana  
19 Constitution for purposes other than those described in that  
20 section (three-fifths of each house);

21 (7) a motion to approve a bill proposing to amend the  
22 Montana Constitution pursuant to Article XIV, section 8, of the  
23 Montana Constitution (two-thirds of the entire Legislature);

24 (8) an appeal of the ruling of the presiding officer  
25 pursuant to S20-10 (one Senator, seconded by two other Senators);

26 (9) a motion to approve a bill conferring immunity from  
27 suit as described in Article II, section 18, of the Montana

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1 Constitution (two-thirds);

2 (10) a motion to approve a bill to appropriate the principal  
3 of the tobacco settlement trust fund pursuant to Article XII,  
4 section 4, of the Montana Constitution (two-thirds); and

5 (11) a motion to appropriate the principal of the noxious  
6 weed management trust fund pursuant to Article IX, section 6, of  
7 the Montana Constitution (three-fourths).

8 - END -

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