

SENATE JOINT RESOLUTION NO. 1

INTRODUCED BY C. WILLIAMS

BY REQUEST OF THE JOINT RULES COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REVISING AND ADOPTING THE JOINT LEGISLATIVE RULES.

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

That the following Joint Rules be adopted:

**JOINT RULES OF THE MONTANA
SENATE AND HOUSE OF REPRESENTATIVES**

CHAPTER 10**Administration**

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

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

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

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

10-40. Adjournment -- recess -- meeting place. A house may not, without the consent of the other, adjourn or recess for more than 3 days or to any place other than that in which the two houses are sitting (Montana Constitution, Art. V, Sec. 10(5)).

10-50. Access of press. Subject to the presiding officer's discretion on issues of decorum and order, an accredited press representative may not be prohibited from photographing, televising, or recording a legislative meeting or hearing.

10-60. Conflict of interest. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature shall disclose the fact to the house to which the member belongs.

(2-2-112, MCA)

1 **10-70. Telephone calls and internet access.** (1) Long-distance telephone calls made by a member
2 while the Legislature is in session or while the member is in travel status are considered official legislative
3 business. These include but are not limited to calls made to constituencies, places of business, and family
4 members. A member's access to the internet through a permissible server is a proper use of the state
5 communication system if the use is for legislative business or is within the scope of permissible use of
6 long-distance telephone calls.

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

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

13 **10-80. Joint employees.** The presiding officers of each house, acting together, shall:

14 (1) hire joint employees; and

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

17 **10-85. Harassment prohibited.** (1) Legislators and legislative employees have the right to work free
18 of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas when performing
19 services in furtherance of legislative responsibilities, whether the offender is an employer, employee, legislator,
20 lobbyist, or member of the public.

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

25 (3) If the offended party is an employee of the house of representatives or the senate, the violation must
26 be reported to the employee's supervisor or, if the offender is the supervisor for the house of representatives or
27 the senate, the report should be made to the chief clerk of the house of representatives or to the secretary of the
28 senate, as appropriate. If the offended party is a permanent legislative employee, the report should be made to
29 the employee's supervisor or, if the offender is the supervisor, to the appropriate division director. If the offender
30 is a division director, the report should be made to the presiding officer of the appropriate statutory committee.

(4) If the offended party is a supervisor for the house of representatives or the senate, the violation must be reported to the chief clerk of the house of representatives or to the secretary of the senate, as appropriate. If the offended party is a supervisor of permanent legislative employees, the violation must be reported to the appropriate division director. If the offender is a division director, the report should be made to the presiding officer of the appropriate statutory committee.

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

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

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

(2) Staff members shall:

(a) maintain personnel files for legislative employees; and

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

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

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

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

(b) to correct clerical errors, absent the objection of the sponsor of a bill, resolution, or amendment and the Secretary of the Senate or the Chief Clerk of the House of Representatives in any bill or amendment originating in the house by which the Clerk or Secretary is employed. The following kinds of clerical errors may be corrected:

(i) errors in spelling;

(ii) errors in numbering sections;

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

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

(v) errors in outlining or in internal references;

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

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

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

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

(3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the Secretary of the Senate or the Chief Clerk of the House and to the sponsor of the bill or amendment. The sponsor shall sign the clerical form to acknowledge notification of the clerical correction. The signed form must be filed in the office of the amendments coordinator. A party receiving notice may register an objection to the correction by filing the objection in writing within 24 hours after receipt of the notice.

(4) If a committee is the sponsor of a bill or resolution, any committee member designated by the chair may be the principal sponsor for the purpose of this section. If a committee has proposed an amendment, the chair is the principal sponsor for the purpose of this section.

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

10-130. Bills. (1) A bill draft request must be sponsored by a member of the Legislature.

(2) A bill must be:

(a) printed on paper with numbered lines;

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

(c) covered with a cover page of substantial material; and

(d) introduced.

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

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

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

(6) An introduced bill may not be withdrawn.

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

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

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

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

(i) amend;

(ii) recommend passage or nonpassage;

(iii) recommend concurrence or nonconcurrence; or

(iv) indefinitely postpone.

(b) The text of all proposed amendments must be recorded.

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

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

10-160. Journal. Each house shall:

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

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

(3) distribute a daily journal to all members.

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

(2) The Legislative Services Division shall make the completed journals available to the public (sections 5-11-201 through 5-11-203, MCA).

CHAPTER 30

Committees

30-10. Committee chair. Except as provided in Joint Rule 30-50, the chair of the Senate committee is

1 the chair of all joint committees.

2 **30-20. Voting in joint committees.** (1) Except for Rules Committees and conference committees, a
3 member of a joint committee votes individually and not by the house to which the committee member belongs.

4 (2) Because the Rules Committees and conference committees are joint meetings of separate
5 committees, in those committees the committees from each house vote separately. A majority of each committee
6 shall agree before any action may be taken, unless otherwise specified by individual house rules.

7 **30-30. Conference committees.** (1) If either house requests a conference and appoints a committee
8 for the purpose of discussing an amendment on which the two houses cannot agree, the other house shall
9 appoint a committee for the same purpose. The time and place of all conference committee meetings must be
10 agreed upon by their chairs and announced from the rostrum. This announcement is in order at any time. Failure
11 to make this announcement does not affect the validity of the legislation being considered. A conference
12 committee meeting must be conducted as an open meeting, and minutes of the meeting must be kept.

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

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

17 (b) further amendment of the disputed amendment.

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

21 **30-40. Conference committee -- enrolling.** A conference committee report must give clerical
22 instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

23 **30-50. Committee consideration of appropriation bills.** (1) All bills providing for an appropriation of
24 public money may first be considered by a joint committee composed of the members of the Senate Finance and
25 Claims Committee and the House Appropriations Committee, and then by each separately.

26 (2) Meetings of the joint committee must be held upon call of the chair of the House Appropriations
27 Committee, who is chair of the joint committee.

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

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

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

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

30-60. Estimation of revenue. The Revenue and Transportation Interim Committee shall introduce a House joint resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

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

(1) Economic Affairs Interim Committee:

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

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

~~(c) Senate Energy and Telecommunications Committee;~~

~~(d)(c)~~ Senate Finance and Claims Committee;

~~(e)(d)~~ House Agriculture Committee;

~~(f)(e)~~ House Business and Labor Committee;

~~(g)(f)~~ House Federal Relations, Energy, and Telecommunications Committee; and

~~(h)(g)~~ House Appropriations Committee;

(2) Education and Local Government Interim Committee:

(a) Senate Education and Cultural Resources Committee;

(b) Senate Local Government Committee;

(c) Senate Finance and Claims Committee;

(d) House Education Committee;

(e) House Local Government Committee; and

(f) House Appropriations Committee;

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

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

(b) Senate Finance and Claims Committee;

(c) House Human Services Committee; and

(d) House Appropriations Committee;

(4) Law and Justice Interim Committee:

- (a) Senate Judiciary Committee;
(b) Senate Finance and Claims Committee;
(c) House Judiciary Committee; and
(d) House Appropriations Committee;
(5) Revenue and Transportation Interim Committee:
(a) Senate Taxation Committee;
(b) Senate Highways and Transportation Committee;
(c) Senate Finance and Claims Committee;
(d) House Taxation Committee;
(e) House Transportation Committee; and
(f) House Appropriations Committee;
(6) State Administration and Veterans' Affairs Interim Committee:
(a) Senate State Administration Committee;
(b) Senate Finance and Claims Committee;
(c) House State Administration Committee; and
(d) House Appropriations Committee;
(7) Energy and Telecommunications Interim Committee:
(a) Senate Natural Resources and Energy and Telecommunications Committee;
(b) House Federal Relations, Energy, and Telecommunications Committee;
(c) House Appropriations Committee; and
(d) Senate Finance and Claims Committee.

CHAPTER 40

Legislation

40-10. Amendment to state constitution. A bill must be used to propose an amendment to The Constitution of the State of Montana. The bill is not subject to the veto of the Governor (Montana Constitution, Art. VI, Sec. 10(1)).

40-20. Appropriation bills. (1) All appropriation bills must originate in the House of Representatives.
(2) Appropriation bills for the operation of the Legislature must be introduced by the chair of the House Appropriations Committee.

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

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

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

7 (4) A joint resolution takes effect on its passage unless a different time is prescribed therein (sections
8 1-2-201 and 1-2-202, MCA).

9 **40-40. Bill requests and introduction -- limits and procedures.** (1) Prior to a regular session, a
10 person entitled to serve in that session, hereafter referred to as a "member", is entitled to request bill drafting
11 services from the Legislative Services Division, subject to the following limits:

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

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

18 (c) After December 5, a member, in the member's discretion, may grant to any other member any of the
19 remaining bill or resolution requests the granting member has not used. A bill requested by an individual may
20 not be transferred to another legislator but may be introduced by another legislator.

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

22 (i) Code Commissioner bills;

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

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

26 (2) The staff of the Legislative Services Division shall work on bill draft requests in the order received.
27 After a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of
28 that member must receive a lower drafting priority than all other bills of members not in excess of five per
29 member. The Speaker of the House, the minority leader of the House, the President of the Senate, and the
30 minority leader of the Senate may each direct the staff of the Legislative Services Division to assign a higher

1 priority to 10 draft requests. The staff of the Legislative Services Division shall assign a higher priority to any bill
2 draft request when jointly directed by:

3 (a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and the
4 minority leader of the House; or

5 (b) the House and the Senate.

6 (3) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to
7 introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills
8 on the automated bill drafting equipment and shall print and deliver them to the requesting members. The original
9 bill cover must be signed to indicate review by the Legislative Services Division. A bill may not be introduced
10 unless it is so signed.

11 (4) (a) During a session, a bill may be introduced by endorsing it with the name of a member and
12 presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint
13 resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced
14 in the house in which the member whose name appears first on the bill is a member. The chief joint sponsor's
15 name must appear immediately to the right of the first sponsor's name. Except as provided in subsection (4)(b),
16 in each session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively
17 in separate series in the order of their receipt.

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

19 (5) (a) Any bill proposed by an interim or statutory legislative committee or introduced by request of an
20 administrative or executive agency or department must be so indicated by placing after the names of the
21 sponsors the phrase "By Request of the..... (Name of committee or agency)". The phrase may not be added
22 to an introduced bill and may not be placed on a bill whose subject matter was requested by an agency or
23 statutory or interim committee prior to the convening of the session. Unless requested by an individual member,
24 a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by
25 the appropriate interim or statutory committee. Except as provided in subsection (5)(b), an agency or committee
26 bill request must be preintroduced or the request is canceled. Preintroduction must occur no later than 5 p.m. on
27 the fifth working day prior to the convening of a legislative session. Preintroduction is accomplished when the
28 Legislative Services Division receives a signed preintroduction form.

29 (b) The preintroduction requirement does not apply to an office held by an elected official during the
30 official's first year in that office or to bills requested by a joint select or joint special committee appointed prior to

the convening of the legislative session to address a specific issue.

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

40-50. Schedules for drafting requests and bill introduction. (1) The following schedule must be followed for submission of drafting requests.

	Request Deadline
	5:00 P.M.
	Legislative Day

• General Bills and Resolutions	10
• Revenue Bills	17
• Committee Bills and Resolutions	36
• Committee Revenue Bills	62
• Committee Bills implementing provisions of a general appropriation act	75
• Interim study resolutions	75
• Appropriation Bills	No Deadline
• Resolutions to express confirmation of appointments	No Deadline
• Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules	No Deadline

(2) Bills and resolutions must be introduced within 2 legislative days after delivery.

40-60. Joint resolutions. (1) A joint resolution must be adopted by both houses and is not approved

1 by the Governor. It may be used to:

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

3 (b) request, but not require, a legislative entity to conduct an interim study;

4 (c) adopt, amend, or repeal the joint rules;

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

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

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

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

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

11 (i) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of Montana.

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

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

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

18 **40-65. Appropriation required for bills requesting interim studies.** A bill including a request for an
19 interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient to conduct
20 the study. A fiscal note may be requested for a bill requesting an interim study if the appropriation does not
21 appear to be sufficient.

22 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not be introduced or received in a house after
23 that house, during that session, has finally rejected a bill designed to accomplish the same purpose, except with
24 the approval of the Rules Committee of the house in which the bill is offered for introduction or reception.

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

26 **40-80. Reproduction of full statute required.** A statute may not be amended or its provisions extended
27 by reference to its title only, but the statute section that is amended or extended must be reproduced or published
28 at length.

29 **40-90. Bills -- original purpose.** A law may not be passed except by bill. A bill may not be so altered
30 or amended on its passage through either house as to change its original purpose (Montana Constitution, Art.

1 V, Sec. 11(1)).

2 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of a
3 committee of the Legislature having a potential effect on the revenues, expenditures, or fiscal liability of the state,
4 local governments, or public schools, except appropriation measures carrying specific dollar amounts, must
5 include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall
6 indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal
7 notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption
8 of substantive amendments to an introduced bill, 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 an electronic copy of any bill for which it has
11 been determined a fiscal note may be necessary to the Budget Director immediately after the bill has been
12 prepared for introduction and delivered to the requesting member. The Budget Director may proceed with the
13 preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial implications for a
14 local government or school district must comply with subsection (4).

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

20 (4) (a) A bill that may require a local government or school district to perform an activity or provide a
21 service or facility that requires the direct expenditure of additional funds without a specific means to finance the
22 activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be accompanied, at the time that
23 the bill is presented for introduction, by an estimate of all direct and indirect fiscal impacts on the local government
24 or school district. The estimate of the fiscal impacts must be prepared by the Budget Director in cooperation with
25 a local government or school district affected by the bill.

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

28 (5) A completed fiscal note must be submitted by the Budget Director to the presiding officer who
29 requested it. The presiding officer shall notify the bill's chief sponsor of the completed fiscal note and request the
30 chief sponsor's signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to

1 discuss the findings with the Budget Director, if necessary. After the legislative day has elapsed, all fiscal notes
2 must be reproduced and placed on the members' desks, either with or without the chief sponsor's signature.

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

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

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

6 (c) long-range financial implications.

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

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

11 (a) a committee considering the bill;

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

14 (c) the chief sponsor.

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

17 (10) If a bill requires a fiscal note, the bill may not be reported from a committee for second reading
18 unless the bill is accompanied by the fiscal note.

19 **40-110. Sponsor's fiscal note.** (1) If a sponsor elects to request the preparation of a sponsor's fiscal
20 note pursuant to section 5-4-204, MCA, the sponsor shall make the election as provided and return the completed
21 sponsor's fiscal note to the presiding officer within 4 days of the election.

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

24 (3) Upon receipt of the completed sponsor's fiscal note, the presiding officer shall refer it to the
25 committee hearing the bill. If the bill is printed, the note must be identified as a sponsor's fiscal note, reproduced,
26 and placed on the members' desks.

27 (4) The Legislative Services Division shall provide forms for preparation of sponsors' fiscal notes and
28 shall print the completed sponsors' fiscal notes on a different color paper than the fiscal notes prepared by the
29 Budget Director.

30 **40-120. Substitute bills.** (1) A committee may recommend that every clause in a bill be changed and

1 that entirely new material be substituted so long as the new material is relevant to the title and subject of the
2 original bill. The substitute bill is considered an amendment and not a new bill.

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

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

8 **40-130. Reading of bills.** Prior to passage, a bill, other than a bill requested by a joint select or joint
9 special committee as provided in 40-40(5)(b), must be read three times in the house in which it is under
10 consideration. It may be read either by title or by summary of title.

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

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

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

21 **40-150. Engrossing.** (1) When a bill has been reported favorably by Committee of the Whole of the
22 house in which it originated and the report has been adopted, the bill must be engrossed if the bill is amended.
23 Committee of the Whole amendments must be included in the engrossed bill. If the bill is not amended, the bill
24 must be sent to printing. The bill must be placed on the calendar for third reading on the legislative day after
25 receipt.

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

30 (3) If a bill is amended by a standing committee in the second house, the amendments must be included

1 in a tan-colored bill and distributed in the second house for second reading consideration. If the bill is amended
2 in Committee of the Whole, the amendments must be included in a salmon-colored reference bill and distributed
3 in the second house for third reading. If the bill passes on third reading, copies of the reference bill must be
4 distributed in the original house. The original house may request from the second house a specified number of
5 copies of the amendments to be printed.

6 **40-160. Enrolling.** (1) When a bill has passed both houses, it must be enrolled. An original and two
7 duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches at the top and
8 one inch on each side. In sections amending existing statutes, new matter must be underlined and deleted matter
9 must be shown as stricken.

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

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

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

20 (a) enrolled;

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

22 (c) signed by the presiding officers; and

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

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

26 (6) The original and two copies signed by the presiding officer of each house must be presented to the
27 Governor or the Secretary of State, as applicable, in return for a receipt. A report then must be made to the
28 house of the day of the presentation, which must be entered on the journal.

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

1 Services Division.

2 **40-170. Amendment by second house.** (1) Amendments to a bill by the second house may not be
3 further amended by the house in which the bill originated, but must be either accepted or rejected. A bill amended
4 by the second house when the effect of the combined amendments is to return the bill to the form that the bill
5 passed the house in which the bill originated is not considered to have been amended and need not be returned
6 to the house of origin for acceptance or rejection of the amendments. If the amendments are rejected, a
7 conference committee may be requested by the house in which the bill originated. If the amendments are
8 accepted and the bill is of a type requiring more than a majority vote for passage, the bill again must be placed
9 on third reading in the house of origin.

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

12 **40-180. Final action on a bill.** (1) When a bill being heard by the second house has received its third
13 reading or has been rejected, the second house shall transmit it as soon as possible to the original house with
14 notice of the second house's action.

15 (2) A bill that reduces revenue and that contains a contingent voidness provision may not be transmitted
16 to the Governor unless there is an identified corresponding reduction in an appropriation contained in the general
17 appropriations act.

18 **40-190. Transmittal of bills between houses.** (1) Each house shall transmit to the other with any bill
19 all relevant papers.

20 (2) When a House bill is transmitted to the Senate, the Secretary of the Senate shall give a dated receipt
21 for the bill to the Chief Clerk of the House. When a Senate bill is transmitted to the House of Representatives,
22 the Chief Clerk of the House shall give a dated receipt to the Secretary of the Senate.

23 **40-200. Transmittal deadlines.** (1) (a) A bill or amendment transmitted after the deadline established
24 in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members
25 present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the
26 house to which it was transmitted.

27 (b) (i) A bill, except for an appropriation bill, a revenue bill, an interim study resolution, or amendments
28 considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative
29 day.

30 (ii) Amendments, except to appropriation bills, bills implementing the general appropriations bill, the

1 revenue estimating resolution, interim study resolutions, and revenue bills, must be transmitted from one house
2 to the other on or before the 73rd legislative day.

3 (c) (i) Revenue bills must be transmitted to the other house on or before the 71st legislative day.

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

6 (iii) A revenue bill is one that either increases or decreases revenue.

7 (d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be
8 transmitted to the Senate on or before the 67th legislative day.

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

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

13 (b) Amendments to the revenue estimating resolution must be transmitted to the House no later than the
14 82nd legislative day.

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

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

20 **40-210. Governor's veto.** (1) Except as provided in 40-65 and 40-180, each bill passed by the
21 Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

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

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

24 (c) resolutions; and

25 (d) referendum measures of the Legislature.

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

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

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

30 (5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return the bill

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

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

6 **40-220. Response to Governor's veto.** (1) When the presiding officer receives a veto message, the
7 presiding officer shall read it to the members over the rostrum. After the reading, a member may move that the
8 Governor's veto be overridden.

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

11 **40-230. Governor's recommendations for amendment.** (1) The Governor may return any bill to the
12 Legislature with recommendations for amendment. The Governor's recommendations for amendment must be
13 considered first by the house in which the bill originated.

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

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

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

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

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

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

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

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

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

CHAPTER 60

Rules

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

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

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

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

- (a) one copy of all motions or resolutions amending Senate, House, or joint rules; and
- (b) copies of all minutes and reports of the Rules Committees.

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

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

- (a) the rules of the Senate;
- (b) the rules of the House of Representatives; and
- (c) the joint rules of the Senate and the House of Representatives.

(2) After the rules have been published, the Legislative Services Division shall distribute copies as directed by the Senate and the House of Representatives.

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

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