

1 SENATE JOINT RESOLUTION NO. 1

2 INTRODUCED BY ESSMANN

3 BY REQUEST OF THE JOINT RULES COMMITTEE

4

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

7

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
9 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 meeting.

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

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19 (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.

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21 **10-30. Schedules.** The presiding officer of each house shall coordinate its schedule to accommodate
the workload of the other house.

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23 **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 sitting24 (Montana Constitution, Art. V, Sec. 10(5)). The procedure for obtaining consent is contained in Joint Rule 20-10.

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26 **10-50. Access of ~~press~~ media -- registration -- decorum -- sanctions.** (1) Subject to the presiding
officer's discretion on issues of decorum and order, ~~an accredited press~~ a registered media representative may

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not be prohibited from photographing, televising, or recording a legislative meeting or hearing.

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29 (2) The presiding officer shall authorize the issuance of cards to media representatives to allow floor

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access, and media representatives holding the cards are subject to placement on the floor by the presiding
officer. The presiding officer may delegate enforcement of this rule to the office of the Secretary of the Senate,

1 Chief Clerk of the House, the respective Sergeant-at-Arms, or the Legislative Information Officer. The privilege
2 may be revoked or suspended for a violation of decorum and order as agreed to by the media representative
3 upon application for registration.

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

6 **10-60. Conflict of interest.** A member who has a personal or private interest in any measure or bill
7 proposed or pending before the Legislature shall disclose the fact to the house to which the member belongs.
8 (section 2-2-112, MCA)

9 **10-70. Telephone calls and internet access.** (1) Long-distance telephone calls made by a member
10 while the Legislature is in session or while the member is in travel status are considered official legislative
11 business. These include but are not limited to calls made to constituencies, places of business, and family
12 members. A member's access to the internet through a permissible server is a proper use of the state
13 communication system if the use is for legislative business or is within the scope of permissible use of
14 long-distance telephone calls.

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

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

21 **10-80. Joint employees.** The presiding officers of each house, acting together, shall:

22 (1) hire joint employees; and

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

25 **10-85. Harassment prohibited -- reporting.** (1) Legislators and legislative employees have the right
26 to work free of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas
27 when performing services in furtherance of legislative responsibilities, whether the offender is an employer,
28 employee, legislator, lobbyist, or member of the public.

29 (2) A violation of this policy must be reported to the party leader in the appropriate house if the offended
30 party is a legislator or to the presiding officer if the offended party is the party leader. The presiding officer may

1 refer the matter to the rules committee of the applicable house, and the offender is subject to discipline or
2 censure, as appropriate.

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

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

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

17 **10-90. Legislative interns.** Qualifications for legislative interns are specified in Title 5, chapter 6, MCA.

18 **10-100. Legislative Services Division.** (1) The staff of the Legislative Services Division shall serve both
19 houses as required.

20 (2) Staff members shall:

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

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

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

25 **10-120. Engrossing and enrolling staff -- duties.** (1) The Legislative Services Division shall provide
26 all engrossing and enrolling staff.

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

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

30 (b) to correct clerical errors, absent the objection of the sponsor of a bill, resolution, or amendment and

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

- 4 (i) errors in spelling;
- 5 (ii) errors in numbering sections;
- 6 (iii) additions or deletions of underlining or lines through matter to be stricken;
- 7 (iv) material copied incorrectly from the Montana Code Annotated;
- 8 (v) errors in outlining or in internal references;
- 9 (vi) an error in a title caused by an amendment;
- 10 (vii) an error in a catchline caused by an amendment;
- 11 (viii) errors in references to the Montana Code Annotated; and
- 12 (ix) other nonconformities of an amendment with Bill Drafting Manual form.

13 (3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the Secretary
14 of the Senate or the Chief Clerk of the House, who shall give notice to the sponsor of the bill or amendment. The
15 form must be filed in the office of the amendments coordinator. A party receiving notice may register an objection
16 to the correction by filing the objection in writing with the Secretary of the Senate or the Chief Clerk of the House
17 by the end of the next legislative day following receipt of the notice. The Senate or House shall vote on whether
18 or not to uphold the objection. If the objection is upheld, the Secretary of the Senate or the Chief Clerk of the
19 House shall notify the Executive Director of the Legislative Services Division, and the engrossing staff shall
20 change the bill to remove the correction or corrections to which the objection was made.

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

22 **10-130. Bills -- sponsorship -- style -- format -- withdrawal prohibited.** (1) A bill must be sponsored
23 by a member of the Legislature.

24 (2) A bill must be:

- 25 (a) printed on paper with numbered lines;
- 26 (b) numbered at the foot of each page (except page 1);
- 27 (c) backed with a page of substantial material that includes spaces for notations for tracking the progress
28 of the bill; and
- 29 (d) introduced. Introduction constitutes the first reading of the bill.

30 (3) In a section amending an existing statute, matter to be stricken out must be indicated with a line

1 through the words or part to be deleted, and new matter must be underlined.

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

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

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

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

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

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

14 **10-150. Recording and publication of voting.** (1) Every vote of each member on each substantive
15 question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made available
16 to the public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the
17 names entered on the journal.

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

20 (i) amend;

21 (ii) recommend passage or nonpassage;

22 (iii) recommend concurrence or nonconcurrence; or

23 (iv) indefinitely postpone.

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

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

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

1 2-3-212(2), MCA, must also be kept.

2 **10-160. Journal.** Each house shall:

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

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

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

7 **10-170. Journals -- authentication -- availability.** (1) The journal of the Senate must be authenticated
8 by the signature of the President and the journal of the House of Representatives must be authenticated by the
9 signature of the Speaker.

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

12 **CHAPTER 20**

13 **Relations With Other House**

14 **20-10. Consent for adjournment or recess.** As required by Article V, section 10(5), of the Montana
15 Constitution, the consent of the other house is required for adjournment or recess for more than 3 calendar days.
16 Consent for adjournment is obtained by having the house wishing to adjourn send a message to the other house
17 and having the receiving house vote favorably on the request. The receiving house shall inform the requesting
18 house of its consent or lack of consent. Consent is not required on or after the 87th legislative day.

19 **CHAPTER 30**

20 **Committees**

21 **30-10. Joint committee chair -- exception.** Except as provided in Joint Rule 30-50 concerning the joint
22 meetings of the Senate Finance and Claims Committee and the House Appropriations Committee, the chair of
23 the Senate committee is the chair of all joint committees.

24 **30-20. Voting in joint committees -- exception.** (1) Except for Rules Committees and conference
25 committees, a member of a joint committee votes individually and not by the house to which the committee
26 member belongs.

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

30 **30-30. Conference committees -- subject matter restrictions.** (1) If either house requests a

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

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

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

11 (b) further amendment of the disputed amendment.

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

17 **30-40. Conference committee -- enrolling.** A conference committee report must give clerical
18 instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

19 **30-50. Committee consideration of general appropriation bills.** (1) All general appropriation bills must
20 first be considered by a joint subcommittee composed of designated members of the Senate Finance and Claims
21 Committee and the House Appropriations Committee, and then by each committee separately.

22 (2) Joint meetings of the House Appropriations Committee and the Senate Finance and Claims
23 Committee must be held upon call of the chair of the House Appropriations Committee, who is chair of the joint
24 committee.

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

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

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

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

1 **30-60. Estimation of revenue.** The Revenue and Transportation Interim Committee shall introduce a
2 House joint resolution for the purpose of estimating revenue that may be available for appropriation by the
3 Legislature. (5-5-227, MCA)

4 **30-70. Appointment of interim committees.** As provided for in section 5-5-211(6), MCA, 50% of
5 interim committees must be selected from the following legislative standing committees:

6 (1) Economic Affairs Interim Committee:

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

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

9 (c) Senate Finance and Claims Committee;

10 (d) House Agriculture Committee;

11 (e) House Business and Labor Committee;

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

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

23 (b) Senate Finance and Claims Committee;

24 (c) House Human Services Committee; and

25 (d) House Appropriations Committee;

26 (4) Law and Justice Interim Committee:

27 (a) Senate Judiciary Committee;

28 (b) Senate Finance and Claims Committee;

29 (c) House Judiciary Committee; and

30 (d) House Appropriations Committee;

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

18 CHAPTER 40

19 Legislation

20 **40-10. Amendment to state constitution.** A bill must be used to propose an amendment to The
 21 Constitution of the State of Montana. The bill is not subject to the veto of the Governor (Montana Constitution,
 22 Art. VI, Sec. 10(1)).

23 **40-20. Appropriation bills -- introduction in House -- feed bill.** (1) All appropriation bills must originate
 24 in the House of Representatives.

25 (2) Appropriation bills for the operation of the Legislature must be introduced by the chair of the House
 26 Appropriations Committee.

27 **40-30. Effective dates.** (1) Except as provided in subsections (2) through (4), a statute takes effect on
 28 October 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

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

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

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

5 **40-40. Bill requests and introduction -- limits and procedures -- drafting priority -- agency and**
6 **committee bills.** (1) Prior to a regular session, a person entitled to serve in that session, referred to as a
7 "member", or a legislative committee is entitled to request bill drafting services from the Legislative Services
8 Division, ~~subject to the following limits.~~ Deadlines for requesting certain types of bills during a legislative session
9 are contained in Joint Rule 40-50.

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

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

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

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

1 Legislative Services Division to assign a higher priority to 10 draft requests. The staff of the Legislative Services
2 Division shall assign a higher priority to any bill draft request when jointly directed by the President of the Senate,
3 the minority leader of the Senate, the Speaker of the House, and the minority leader of the House.

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

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

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

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

20 (5) (a) Any bill proposed by an interim or statutory legislative committee or introduced by request of an
21 administrative or executive agency or department must be so indicated by placing after the names of the
22 sponsors the phrase "By Request of the..... (Name of committee or agency)". The phrase may not be added
23 to an introduced bill and may not be placed on a bill whose subject matter was requested by an agency or
24 statutory or interim committee prior to the convening of the session. Unless requested by an individual member,
25 a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by
26 the appropriate interim or statutory committee. Except as provided in subsection (5)(b), an agency or committee
27 bill request must be preintroduced or the request is canceled. Preintroduction OF AN AGENCY, COMMITTEE, OR
28 INDIVIDUAL LEGISLATOR'S BILL must occur no later than 5 p.m. on December 15th prior to the convening of a regular
29 legislative session. Preintroduction is accomplished when the Legislative Services Division receives a signed
30 preintroduction form.

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

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

10 **40-50. Schedules for drafting requests and bill introduction.** (1) The following schedule must be
 11 followed for submission of drafting requests.

	Request Deadline
	5:00 P.M.
	Legislative Day

16 ● General Bills and Resolutions	40 <u>12</u>
17 ● Revenue Bills	17
18 ● Committee Bills and Resolutions	36
19 ● Committee Revenue Bills <u>and Bills Proposing Referenda</u>	62
20 ● Committee Bills implementing provisions	75
21 of a general appropriation act	
22 ● Interim study resolutions	75
23 ● Appropriation Bills	No Deadline
24 ● Resolutions to express confirmation of	No Deadline
25 appointments	
26 ● Bills repealing or directing the amendment	No Deadline
27 or adoption of administrative rules and	
28 joint resolutions advising or requesting	
29 the repeal, amendment, or adoption of	
30 administrative rules	

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

3 **40-60. Joint resolutions.** (1) A joint resolution must be adopted by both houses and is not approved
4 by the Governor. It may be used to:

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

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

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

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

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

11 (f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3),
12 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

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

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

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

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

17 or

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

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

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

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

25 **40-65. Appropriation required for bills requesting interim studies.** A bill including a request for an
26 interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient to conduct
27 the study. A fiscal note may be requested for a bill requesting an interim study if the appropriation does not
28 appear to be sufficient.

29 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not be introduced or received in a house after
30 that house, during that session, has finally rejected a bill designed to accomplish the same purpose, except with

1 the approval of the Rules Committee of the house in which the bill is offered for introduction or reception.

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

3 **40-80. Reproduction of full statute required.** A statute may not be amended or its provisions extended
4 by reference to its title only, but the statute section that is amended or extended must be reproduced or published
5 at length.

6 **40-90. Bills -- original purpose.** A law may not be passed except by bill. A bill may not be so altered
7 or amended on its passage through either house as to change its original purpose (Montana Constitution, Art.
8 V, Sec. 11(1)).

9 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of a
10 committee of the Legislature having a potential effect on the revenues, expenditures, or fiscal liability of the state,
11 local governments, or public schools, except appropriation measures carrying specific dollar amounts, must
12 include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall
13 indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal
14 notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption
15 of substantive amendments to an introduced bill, shall determine the need for the note, based on the Legislative
16 Services Division staff recommendation.

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

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

27 (4) (a) A bill that may require a local government or school district to perform an activity or provide a
28 service or facility that requires the direct expenditure of additional funds without a specific means to finance the
29 activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be accompanied, at the time that
30 the bill is presented for introduction, by an estimate of all direct and indirect fiscal impacts on the local government

1 or school district. The estimate of the fiscal impacts must be prepared by the Budget Director in cooperation with
2 a local government or school district affected by the bill.

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

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

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

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

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

13 (c) long-range financial implications.

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

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

18 (a) a committee considering the bill;

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

21 (c) the chief sponsor.

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

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

26 **40-110. Sponsor's fiscal note rebuttal.** (1) If a sponsor elects to ~~request the preparation of~~ prepare
27 a sponsor's fiscal note rebuttal pursuant to section 5-4-204, MCA, the sponsor shall make the election as
28 provided and return the completed sponsor's fiscal note rebuttal form to the presiding officer within 4 days of the
29 election. The form must identify the bill number, the sponsor of the bill, the date prepared, the version of the
30 fiscal note being rebutted, the reasons the sponsor disagrees with the fiscal note, the items or assumptions in

1 the fiscal note that the sponsor believes are 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 sponsor for preparation of the sponsor's fiscal
4 note rebuttal.

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

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

11 **40-120. Substitute bills.** (1) A committee may recommend that every clause in a bill be changed and
12 that entirely new material be substituted so long as the new material is relevant to the title and subject of the
13 original bill. The substitute bill is considered an amendment and not a new bill.

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

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

19 **40-130. Reading of bills.** Prior to passage, a bill, other than a bill requested by a joint select or joint
20 special committee as provided in 40-40(5)(b), must be read three times in the house in which it is under
21 consideration. It may be read either by title or by summary of title. Introduction constitutes the first reading of the
22 bill.

23 **40-140. Second reading -- bill reproduction.** (1) If the majority of a house adopts a recommendation
24 for the passage of a bill originating in that house after the bill has been returned from a committee with
25 amendments, the bill must be reproduced on yellow paper with all amendments incorporated into the copies.

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

29 (3) A bill requested by and heard by a joint select or joint special committee, as provided in 40-40(5)(b),
30 may be referred directly to second reading. If the bill is passed by the house of origin, the bill must be transmitted

1 to the other house, and if the bill was not amended, it may be placed on second reading without the need for
2 referral to a committee.

3 **40-150. Engrossing.** (1) When a bill has been reported favorably by Committee of the Whole of the
4 house in which it originated and the report has been adopted, the bill must be engrossed if the bill is amended.
5 Committee of the Whole amendments must be included in the engrossed bill. If the bill is not amended, the bill
6 must be sent to printing. The bill must be placed on the calendar for third reading on the legislative day after
7 receipt.

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

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

18 **40-160. Enrolling.** (1) When a bill has passed both houses, it must be enrolled. An original and two
19 duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches at the top and
20 one inch on each side. In sections amending existing statutes, new matter must be underlined and deleted matter
21 must be shown as stricken.

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

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

1 (4) A bill that has passed both houses of the Legislature by the 90th day may be:
2 (a) enrolled;
3 (b) clerically corrected by the presiding officers, if necessary;
4 (c) signed by the presiding officers; and
5 (d) delivered to the Governor or, in the case of a bill proposing a referendum, to the Secretary of State,
6 not later than 5 working days after the 90th legislative day.

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

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

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

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

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

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

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

30 **40-190. Transmittal of bills between houses -- referral -- hearing.** (1) Each house shall transmit to

1 the other with any bill all relevant papers.

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

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

6 **40-200. Transmittal deadlines -- two-thirds vote requirement.** (1) (a) A bill or amendment transmitted
7 after the deadline established in this subsection (1) may be considered by the receiving house only upon approval
8 of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment
9 must be held pending in the house to which it was transmitted.

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

13 (ii) Amendments, except to appropriation bills, committee bills implementing the general appropriations
14 bill, the revenue estimating resolution, interim study resolutions, BILLS PROPOSING REFERENDA, and revenue bills,
15 must be transmitted from one house to the other on or before the 73rd legislative day.

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

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

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

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

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

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

29 (b) Amendments to the revenue estimating resolution must be transmitted to the House no later than the
30 82nd legislative day.

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

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

6 **40-210. Governor's veto.** (1) Except as provided in 40-65 and 40-180, each bill passed by the
7 Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

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

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

10 (c) resolutions; and

11 (d) referendum measures of the Legislature.

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

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

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

16 (5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return the bill
17 with reasons for the veto to the Legislature as provided by law. The Legislature may be polled on a bill that it
18 approved by two-thirds of the members present or it may be reconvened to reconsider any bill so vetoed
19 (Montana Constitution, Art. VI, Sec. 10).

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

22 **40-220. Response to Governor's veto.** (1) When the presiding officer receives a veto message, the
23 presiding officer shall read it to the members over the rostrum. After the reading, a member may move that the
24 Governor's veto be overridden.

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

27 **40-230. Governor's recommendations for amendment -- procedure.** (1) The Governor may return
28 any bill to the Legislature with recommendations for amendment. The Governor's recommendations for
29 amendment must be considered first by the house in which the bill originated.

30 (2) If the Legislature passes the bill in accordance with the Governor's recommendations, it shall return

1 the bill to the Governor for reconsideration. The Governor may not return a bill to the Legislature a second time
2 for amendment.

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

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

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

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

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

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

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

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

20 CHAPTER 60

21 Rules

22 **60-10. Suspension of joint rule -- change in rules.** (1) A joint rule may be repealed or amended only
23 with the concurrence of both houses, under the procedures adopted by each house for the repeal or amendment
24 of its own rules.

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

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

30 (4) Upon adoption of any change, the Secretary of the Senate and the Chief Clerk of the House of

1 Representatives shall provide the office of the Legislative Services Division:

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

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

4 **60-20. Reference to Mason's Manual.** Mason's Manual of Legislative Procedure (2000) governs the
5 proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

6 **60-30. Publication and distribution of joint rules.** (1) The Legislative Services Division shall codify
7 and publish in one volume:

8 (a) the rules of the Senate;

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

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

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

13 **60-40. Tenure of joint rules.** The joint rules remain in effect until removed by a joint resolution or until
14 a new Legislature is elected and takes office.

15 - END -