

1 SENATE JOINT RESOLUTION NO. 1

2 INTRODUCED BY M. ROSENDALE

3 BY REQUEST OF THE HOUSE RULES STANDING COMMITTEE AND THE SENATE RULES STANDING
4 COMMITTEE5
6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
7 MONTANA ADOPTING THE JOINT LEGISLATIVE RULES.8
9 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
10 STATE OF MONTANA:

11 That the following Joint Rules be adopted:

12 **JOINT RULES OF THE MONTANA**
13 **SENATE AND HOUSE OF REPRESENTATIVES**14 **CHAPTER 10**15 **Administration**16 **10-10. Time of meeting.** Each house may order its time of meeting.17 **10-20. Legislative day -- duration.** (1) If either house is in session on a given day, that day constitutes
18 a legislative day.19 (2) A legislative day for a house ends either 24 hours after that house convenes for the day or at the time
20 the house convenes for the following legislative day, whichever is earlier.21 **10-30. Schedules.** The presiding officer of each house shall coordinate its schedule to accommodate
22 the workload of the other house.23 **10-40. Adjournment -- recess -- meeting place.** A house may not, without the consent of the other,
24 adjourn or recess for more than 3 days or to any place other than that in which the two houses are sitting
25 (Montana Constitution, Art. V, Sec. 10(5)). The procedure for obtaining consent is contained in Joint Rule 20-10.26 **10-50. Access of media -- registration -- decorum -- sanctions.** (1) Subject to the presiding officer's
27 discretion on issues of decorum and order, a registered media representative may not be prohibited from
28 photographing, televising, or recording a legislative meeting or hearing.29 (2) The presiding officer shall authorize the issuance of cards to media representatives to allow floor
30 access, and media representatives holding the cards are subject to placement on the floor by the presiding

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

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

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

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

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

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

22 (4) For purposes of this section, "state telephone" or "state phone" means a landline telephone or other
23 telephone provided by the state.

24 **10-80. Joint employees.** The presiding officers of each house, acting together, shall:

25 (1) hire joint employees; and

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

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

1 employee, legislator, lobbyist, or member of the public.

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

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

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

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

20 ~~**10-90. Legislative interns.** Qualifications for legislative interns are specified in Title 5, chapter 6, MCA.~~

21 **10-100. Legislative Services Division.** (1) The staff of the Legislative Services Division shall serve both
22 houses as required.

23 (2) Staff members shall:

24 (a) maintain personnel files for legislative employees; and
25 (b) prepare payrolls for certification and signature by the presiding officer and prepare a monthly financial
26 report.

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

28 **10-120. Engrossing and enrolling staff -- duties.** (1) The Legislative Services Division shall provide
29 all engrossing and enrolling staff.

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

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

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

7 (i) errors in spelling;

8 (ii) errors in numbering sections;

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

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

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

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

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

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

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

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

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

25 **10-130. Bills -- sponsorship -- style -- format -- withdrawal prohibited.** (1) A bill must be sponsored
26 by a member of the Legislature.

27 (2) A bill must be:

28 (a) printed on paper with numbered lines;

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

30 (c) backed with a page of substantial material that includes spaces for notations for tracking the progress

1 of the bill; and

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

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

5 (4) ~~Sections (a) Except for legislative referenda, sections~~ of the Montana Code Annotated repealed or
6 amended in a bill must be stated in the title.

7 (b) Sections of the Montana Code Annotated repealed or amended in a legislative referendum must be
8 listed in a section within the body of the bill after the enacting clause.

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

10 ~~(6) An introduced bill may not be withdrawn.~~

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

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

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

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

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

26 (i) amend;

27 (ii) recommend passage or nonpassage;

28 (iii) recommend concurrence or nonconcurrence; or

29 (iv) indefinitely postpone.

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

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

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

8 **10-160. Journal.** Each house shall:

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

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

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

13 **10-170. Journals -- authentication -- availability.** (1) The journal of the Senate must be authenticated
14 by the signature of the President and the journal of the House of Representatives must be authenticated by the
15 signature of the Speaker.

16 (2) The Legislative Services Division shall make the completed journals available to the public (sections
17 5-11-201 through 5-11-203, MCA).

18 CHAPTER 20

19 Relations With Other House

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

25 CHAPTER 30

26 Committees

27 **30-10. Joint committee chair -- exception.** Except as provided in Joint Rule 30-50 concerning the joint
28 meetings of the Senate Finance and Claims Committee and the House Appropriations Committee, the chair of
29 the Senate committee is the chair of all joint committees.

30 **30-20. Voting in joint committees -- exception.** (1) Except for Rules Committees and conference

1 committees, a member of a joint committee votes individually and not by the house to which the committee
2 member belongs.

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

6 **30-30. Conference committees -- subject matter restrictions.** (1) If either house requests a
7 conference committee and appoints a committee for the purpose of discussing an amendment on which the two
8 houses cannot agree, the other house shall appoint a committee for the same purpose. The time and place of
9 all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This
10 announcement is in order at any time. Failure to make this announcement does not affect the validity of the
11 legislation being considered. A conference committee meeting must be conducted as an open meeting, and
12 minutes of the meeting must be kept.

13 (2) A conference committee, having conferred, shall report 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 provided in subsection (1). A free conference committee may discuss and
20 propose amendments to a bill in its entirety and is not confined to a particular amendment. However, a free
21 conference committee is limited to consideration of amendments that are within the scope of the title of the
22 introduced bill.

23 **30-40. Conference committee -- enrolling.** A conference committee report must give clerical
24 instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

25 **30-50. Committee consideration of general appropriation bills.** (1) All general appropriation bills must
26 first be considered by a joint subcommittee composed of designated members of the Senate Finance and Claims
27 Committee and the House Appropriations Committee, and then by each committee separately.

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

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

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

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

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

7 **30-60. Estimation of revenue.** ~~(4)~~ The Revenue and Transportation Interim Committee shall introduce
8 a House joint resolution for the purpose of estimating revenue that may be available for appropriation by the
9 Legislature. (5-5-227, MCA)

10 ~~(2) For the 2013 legislative session only, in the event that the Revenue and Transportation Interim~~
11 ~~Committee has not caused a revenue estimating resolution to be introduced in accordance with 5-5-227, MCA,~~
12 ~~a Senate joint resolution must be introduced by the chair of the Senate Taxation Committee for the purpose of~~
13 ~~estimating revenue that may be available for appropriation by the Legislature.~~

14 ~~———(3) The Senate shall transmit the Senate joint resolution on the revenue estimate to the House no later~~
15 ~~than the 15th legislative day. The Senate joint resolution does not constitute the Legislature's revenue estimate~~
16 ~~until adopted and passed by the House with any House amendments concurred in by the Senate.~~

17 **30-70. Appointment of interim committees.** As provided for in section 5-5-211(6), MCA, 50% of interim
18 committees must be selected from the following legislative standing committees:

19 (1) Economic Affairs Interim Committee:

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

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

22 (c) Senate Finance and Claims Committee;

23 (d) House Agriculture Committee;

24 (e) House Business and Labor Committee;

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

26 (g) House Appropriations Committee;

27 (2) Education and Local Government Interim Committee:

28 (a) Senate Education and Cultural Resources Committee;

29 (b) Senate Local Government Committee;

30 (c) Senate Finance and Claims Committee;

- 1 (d) House Education Committee;
- 2 (e) House Local Government Committee; and
- 3 (f) House Appropriations Committee;
- 4 (3) Children, Families, Health, and Human Services Interim Committee:
- 5 (a) Senate Public Health, Welfare, and Safety Committee;
- 6 (b) Senate Finance and Claims Committee;
- 7 (c) House Human Services Committee; and
- 8 (d) House Appropriations Committee;
- 9 (4) Law and Justice Interim Committee:
- 10 (a) Senate Judiciary Committee;
- 11 (b) Senate Finance and Claims Committee;
- 12 (c) House Judiciary Committee; and
- 13 (d) House Appropriations Committee;
- 14 (5) Revenue and Transportation Interim Committee:
- 15 (a) Senate Taxation Committee;
- 16 (b) Senate Highways and Transportation Committee;
- 17 (c) Senate Finance and Claims Committee;
- 18 (d) House Taxation Committee;
- 19 (e) House Transportation Committee; and
- 20 (f) House Appropriations Committee;
- 21 (6) State Administration and Veterans' Affairs Interim Committee:
- 22 (a) Senate State Administration Committee;
- 23 (b) Senate Finance and Claims Committee;
- 24 (c) House State Administration Committee; and
- 25 (d) House Appropriations Committee;
- 26 (7) Energy and Telecommunications Interim Committee:
- 27 (a) Senate Energy Committee;
- 28 (b) House Federal Relations, Energy, and Telecommunications Committee;
- 29 (c) House Appropriations Committee; and
- 30 (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 -- introduction in House -- feed bill. (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.

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

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

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

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

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

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

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

(c) After December 5, a member, in the member's discretion, may grant to any other member any of the remaining bill or resolution requests the granting member has not used. A bill requested by an individual may

1 not be transferred to another legislator but may be introduced by another legislator. The requestor must pick up
2 the bill and sign a receipt indicating delivery of the bill and may either introduce the bill or give the bill to another
3 legislator for introduction.

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

5 (i) Code Commissioner bills;

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

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

9 (2) (a) Except as provided in subsection (2)(b) or this subsection, the staff of the Legislative Services
10 Division shall work on bill draft requests in the order received. After a member has requested the drafting of five
11 bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority
12 than all other bills of members not in excess of five per member. The Speaker of the House, the minority leader
13 of the House, the President of the Senate, and the minority leader of the Senate may each direct the staff of the
14 Legislative Services Division to assign a higher priority to 20 draft requests. The staff of the Legislative Services
15 Division shall assign a higher priority to any bill draft request when jointly directed by the President of the Senate,
16 the minority leader of the Senate, the Speaker of the House, and the minority leader of the House.

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

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

25 (4) (a) During a session, a bill may be introduced by endorsing it with the name of a member and
26 presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint
27 resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced
28 in the house in which the member whose name appears first on the bill is a member. The chief joint sponsor's
29 name must appear immediately to the right of the first sponsor's name, and the chief sponsor may not be
30 changed. Except as provided in subsection (4)(b), in each session of the Legislature, bills, joint resolutions, and

1 simple resolutions must be numbered consecutively in separate series in the order of their receipt.

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

3 (5) (a) Any bill requested by an interim or statutory legislative committee or on behalf of an administrative
4 or executive agency or department through an interim or statutory committee must be so indicated by placing after
5 the names of the sponsors the phrase "By Request of the..... (Name of committee or agency)". The phrase
6 may not be added to an introduced bill by amendment. The phrase may not be placed on a bill unless requested
7 by a statutory or interim committee prior to the convening of the session. Unless requested by an individual
8 member, a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and
9 requested by the appropriate interim or statutory committee. Except as provided in subsection (5)(b), an agency
10 or committee bill request must be preintroduced or the request is canceled. Preintroduction of an agency,
11 committee, or individual legislator's bill must occur no later than 5 p.m. on December 15th prior to the convening
12 of a regular legislative session. Preintroduction is accomplished when the Legislative Services Division receives
13 a signed preintroduction form.

14 (b) The preintroduction requirement does not apply to an office held by an elected official during the
15 official's first year in that office or to bills requested by a joint select or joint special committee appointed prior to
16 the convening of the legislative session to address a specific issue. Bills requested under this subsection (5)(b)
17 may include the phrase "By Request of.....(Name of official or committee)".

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

24 **40-50. Schedules for drafting requests and bill introduction.** (1) The following schedule must be
25 followed for submission of drafting requests.

Request Deadline

5:00 P.M.

Legislative Day

30 ● General Bills and Resolutions

12



1	● Revenue Bills	17
2	● Committee Bills and Resolutions	36
3	● Committee Revenue Bills and Bills Proposing Referenda	62
4	● Committee Bills implementing provisions	67
5	of a general appropriation act	
6	● Interim study resolutions	60
7	● Appropriation Bills	45
8	● Resolutions to express confirmation of	No Deadline
9	appointments	
10	● Bills repealing or directing the amendment	No Deadline
11	or adoption of administrative rules and	
12	joint resolutions advising or requesting	
13	the repeal, amendment, or adoption of	
14	administrative rules	
15	(2) <u>(a) A bill or resolution must be introduced at least 6 legislative days prior to the applicable transmittal</u>	
16	<u>deadline as provided in Joint Rule 40-200 except for:</u>	
17	<u>(i) a session committee bill or resolution;</u>	
18	<u>(ii) a bill repealing or directing the amendment or adoption of administrative rules;</u>	
19	<u>(iii) a joint resolution advising or requesting the repeal, amendment, or adoption of administrative rules;</u>	
20	<u>or</u>	
21	<u>(iv) a resolution expressing confirmation.</u>	
22	<u>(b) Bills and resolutions must be introduced within 2 legislative days after delivery. Failure to comply with</u>	
23	<u>the introduction deadline results in the bill draft being canceled.</u>	
24	40-60. Joint resolutions. (1) A joint resolution must be adopted by both houses and is not approved by	
25	the Governor. It may be used to:	
26	(a) express desire, opinion, sympathy, or request of the Legislature;	
27	(b) recognize relations with other governments, sister states, political subdivisions, or similar	
28	governmental entities;	
29	(c) request, but not require, a legislative entity to conduct an interim study;	
30	(d) adopt, amend, or repeal the joint rules;	

- 1 (e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;
- 2 (f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3),
- 3 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;
- 4 (g) submit a negotiated settlement under section 39-31-305(3), MCA;
- 5 (h) declare or terminate an energy emergency under section 90-4-310, MCA;
- 6 (i) ratify or propose amendments to the United States Constitution;
- 7 (j) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of Montana;

8 or

- 9 (k) approve the organization of a new community college district under section 20-15-209, MCA.
- 10 (2) A joint resolution may not be used for purposes of congratulating or recognizing an individual or group
- 11 achievement. Recognition of individual or group achievements is handled on special orders of the day.
- 12 (3) Except as otherwise provided in these rules or The Constitution of the State of Montana, a joint
- 13 resolution is treated in all respects as a bill.
- 14 (4) A copy of every joint resolution must be transmitted after adoption to the Secretary of State by the
- 15 Secretary of the Senate or the Chief Clerk of the House.

16 **40-65. Appropriation required for bills requesting interim studies.** A bill including a request for an

17 interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient to conduct

18 the study. A fiscal note may be requested for a bill requesting an interim study if the appropriation does not

19 appear to be sufficient.

20 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not be introduced or received in a house after

21 that house, during that session, has finally rejected a bill designed to accomplish the same purpose, except with

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

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

24 **40-80. Reproduction of full statute required.** A statute may not be amended or its provisions extended

25 by reference to its title only, but the statute section that is amended or extended must be reproduced or published

26 at length.

27 **40-90. Bills -- original purpose.** A law may not be passed except by bill. A bill may not be so altered

28 or amended on its passage through either house as to change its original purpose (Montana Constitution, Art.

29 V, Sec. 11(1)).

30 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of a

1 committee of the Legislature, including interim committees, having a potential effect on the revenues,
2 expenditures, or fiscal liability of the state, local governments, or public schools, except appropriation measures
3 carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The
4 Legislative Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note
5 may be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who,
6 at the time of introduction or after adoption of substantive amendments to an introduced bill, shall determine the
7 need for the note, based on the Legislative Services Division staff recommendation.

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

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

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

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

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

- 1 (6) A fiscal note must, if possible, show in dollar amounts:
- 2 (a) the estimated increase or decrease in revenues or expenditures;
- 3 (b) costs that may be absorbed without additional funds; and
- 4 (c) long-range financial implications.
- 5 (7) The fiscal note may not include any comment or opinion relative to merits of the bill. However,
- 6 technical or mechanical defects in the bill may be noted.
- 7 (8) A fiscal note also may be requested, with the approval of the presiding officer, on a bill and on an
- 8 amended bill by:
- 9 (a) a committee considering the bill;
- 10 (b) a majority of the members of the house in which the bill is to be considered, at the time of second
- 11 reading; or
- 12 (c) the chief sponsor.
- 13 (9) The Budget Director shall prepare and deliver an amended fiscal note on an amended bill within 3
- 14 days of the request by the presiding officer; otherwise the bill may proceed without the updated fiscal note.
- 15 (10) The Budget Director shall make available on request to any member of the Legislature all
- 16 background information used in developing a fiscal note.
- 17 (11) 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 rebuttal.** (1) If a sponsor elects to prepare a sponsor's fiscal note rebuttal
- 20 pursuant to section 5-4-204, MCA, the sponsor shall make the election as provided and return the completed
- 21 sponsor's fiscal note rebuttal form to the presiding officer within 4 days of the election. The form must identify the
- 22 bill number, the sponsor of the bill, the date prepared, the version of the fiscal note being rebutted, the reasons
- 23 the sponsor disagrees with the fiscal note, the items or assumptions in the fiscal note that the sponsor believes
- 24 are incorrect, and the sponsor's estimate of the fiscal impact, if an estimate is available.
- 25 (2) The presiding officer may grant additional time to the sponsor for preparation of the sponsor's fiscal
- 26 note rebuttal.
- 27 (3) Upon receipt of the completed sponsor's fiscal note rebuttal form, the presiding officer shall refer it
- 28 to the committee hearing the bill. If the bill is printed, the form must be identified as a sponsor's fiscal note
- 29 rebuttal, reproduced, and placed on the members' desks.
- 30 (4) The Legislative Services Division shall provide forms for preparation of sponsors' fiscal note rebuttals

1 and shall print the completed sponsors' fiscal note rebuttal forms on a different color paper than the fiscal notes
2 prepared by the Budget Director.

3 **40-120. Substitute bills.** (1) A committee may recommend that every clause in a bill be changed and
4 that entirely new material be substituted so long as the new material is relevant to the title and subject of the
5 original bill. The substitute bill is considered an amendment and not a new bill.

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

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

11 **40-130. Reading of bills.** Prior to passage, a bill, other than a bill requested by a joint select or joint
12 special committee as provided in 40-40(5)(b), must be read three times in the house in which it is under
13 consideration. It may be read either by title or by summary of title. Introduction constitutes the first reading of the
14 bill.

15 **40-140. Second reading -- bill reproduction.** (1) If the majority of a house adopts a recommendation
16 for the passage of a bill originating in that house after the bill has been returned from a committee with
17 amendments, the bill must be reproduced on yellow paper with all amendments incorporated into the copies.

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

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

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

30 (2) Copies of the engrossed bill to be distributed to members are reproduced on blue paper. If a bill is

1 unamended by the Committee of the Whole and contains no clerical errors, it is not required to be reprinted. Only
2 the first sheet must be reproduced on blue paper, with the remainder of the text incorporated by reference to the
3 preceding version of the entire bill.

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

10 **40-160. Enrolling.** (1) When a bill has passed both houses, it must be enrolled. An original and two
11 duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches at the top and
12 one inch on each side. In sections amending existing statutes, new matter must be underlined and deleted matter
13 must be shown as stricken.

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

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

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

23 (a) enrolled;

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

25 (c) signed by the presiding officers; and

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

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

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

1 of the day of the presentation, which must be entered on the journal.

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

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

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

15 **40-180. Final action on a bill.** (1) When a bill being heard by the second house has received its third
16 reading or has been rejected, the second house shall transmit it as soon as possible to the original house with
17 notice of the second house's action.

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

21 **40-190. Transmittal of bills between houses -- referral -- hearing.** (1) Each house shall transmit to
22 the other with any bill all relevant papers.

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

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

27 **40-200. Transmittal deadlines -- two-thirds vote requirement.** (1) (a) A bill or amendment transmitted
28 after the deadline established in this subsection (1) may be considered by the receiving house only upon approval
29 of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment
30 must be held pending in the house to which it was transmitted.

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

4 (ii) Amendments, except to appropriation bills, committee bills implementing the general appropriations
5 bill, the revenue estimating resolution, interim study resolutions, bills proposing referenda, and revenue bills, must
6 be transmitted from one house to the other on or before the 73rd legislative day.

7 (c) (i) Revenue bills and bills proposing referenda must be transmitted to the other house on or before
8 the ~~74th~~ 67th legislative day.

9 (ii) Amendments to revenue bills and bills proposing referenda, received from the other house, must be
10 transmitted to the house of origin on or before the ~~82nd~~ 80th legislative day.

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

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

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

18 (2) (a) A joint resolution introduced pursuant to 5-5-227, MCA, for the purpose of estimating revenue
19 available for appropriation by the Legislature must be transmitted to the Senate no later than the 60th legislative
20 day.

21 (b) Amendments to the revenue estimating resolution must be transmitted to the body in which the
22 resolution was introduced no later than the 82nd legislative day.

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

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

28 **40-210. Governor's veto.** (1) Except as provided in 40-65 and 40-180, each bill passed by the
29 Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

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

- 1 (b) bills ratifying proposed amendments to the United States Constitution;
- 2 (c) resolutions; and
- 3 (d) referendum measures of the Legislature.
- 4 (2) If the Governor does not sign or veto the bill within 10 days after its delivery, the bill becomes law.
- 5 (3) The Governor shall return a vetoed bill to the Legislature with a statement of reasons for the veto.
- 6 (4) If after receipt of a veto message, two-thirds of the members of each house present approve the bill,
- 7 it becomes law.
- 8 (5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return the bill
- 9 with reasons for the veto to the Legislature as provided by law. The Legislature may be polled on a bill that it
- 10 approved by two-thirds of the members present or it may be reconvened to reconsider any bill so vetoed
- 11 (Montana Constitution, Art. VI, Sec. 10).
- 12 (6) The Governor may veto items in appropriation bills, and in these instances the procedure must be
- 13 the same as upon veto of an entire bill (Montana Constitution, Art. VI, Sec. 10).
- 14 **40-220. Response to Governor's veto.** (1) When the presiding officer receives a veto message, the
- 15 presiding officer shall read it to the members over the rostrum. After the reading, a member may move that the
- 16 Governor's veto be overridden.
- 17 (2) A vote on the motion is determined by roll call. If two-thirds of the members present vote "aye", the
- 18 veto is overridden. If two-thirds of the members present do not vote "aye", the veto is sustained.
- 19 **40-230. Governor's recommendations for amendment -- procedure.** (1) The Governor may return
- 20 any bill to the Legislature with recommendations for amendment. The Governor's recommendations for
- 21 amendment must be considered first by the house in which the bill originated.
- 22 (2) If the Legislature passes the bill in accordance with the Governor's recommendations, it shall return
- 23 the bill to the Governor for reconsideration. The Governor may not return a bill to the Legislature a second time
- 24 for amendment.
- 25 (3) If the Governor returns a bill to the originating house with recommendations for amendment, the
- 26 house shall reconsider the bill under its rules relating to amendments offered in Committee of the Whole.
- 27 (4) The bill then is subject to the following procedures:
- 28 (a) The originating house shall transmit to the second house, for consideration under its rules relating
- 29 to amendments in Committee of the Whole, the bill and the originating house's approval or disapproval of the
- 30 Governor's recommendations.

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

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

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

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

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

12 CHAPTER 60

13 Rules

14 **60-10. Suspension of joint rule -- change in rules.** (1) A joint rule may be repealed or amended only
15 with the concurrence of both houses, under the procedures adopted by each house for the repeal or amendment
16 of its own rules.

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

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

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

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

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

26 **60-20. Reference to Mason's Manual.** Mason's Manual of Legislative Procedure (2010) governs the
27 proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

28 **60-30. Publication and distribution of joint rules.** (1) The Legislative Services Division shall codify and
29 publish in one volume:

30 (a) the rules of the Senate;

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

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

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

5 **60-40. Tenure of joint rules.** The joint rules remain in effect until removed by a joint resolution or until
6 a new Legislature is elected and takes office.

7 - END -