

TENTATIVE AGENDA

August 23, 2012

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

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

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

BILL DRAFT CHECKLIST REPORT

- LC0001 -

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

Drafter: Martin, Jeff

Date of Request: 08/13/2009

Requester: Zinke, Ryan

By request of:

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

Applies to Requester Limit: NO

BR# 1

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

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

Bill Drafter Checklist

Drafter: Martin, Jeff Phone: _____

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

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

Executive Director's Review:

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

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

CONFORMITY WITH STATE AND FEDERAL CONSTITUTIONS

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

Drafter Comments:

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LC5656

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

2 Introduced By *****

3 By Request of the *****

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

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

10 That the following Joint Rules be adopted:

11 **JOINT RULES OF THE MONTANA**

12 **SENATE AND HOUSE OF REPRESENTATIVES**

13 **CHAPTER 10**

14 **Administration**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (1) hire joint employees; and

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

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

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

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

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

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

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

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

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

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

13 (2) Staff members shall:

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

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

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

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

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

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

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

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

6 (i) errors in spelling;

7 (ii) errors in numbering sections;

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

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

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

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

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

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

16 and

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

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

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

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

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

12 (2) A bill must be:

13 (a) printed on paper with numbered lines;

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 (iv) indefinitely postpone.

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

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

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

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

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

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

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

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

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

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1 through 5-11-203, MCA).

2 CHAPTER 20

3 Relations With Other House

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

13 CHAPTER 30

14 Committees

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

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

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

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1 otherwise specified by individual house rules.

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

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

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

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

19 (b) further amendment of the disputed amendment.

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

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

5 **30-50. Committee consideration of general appropriation**
6 **bills.** (1) All general appropriation bills must first be
7 considered by a joint subcommittee composed of designated members
8 of the Senate Finance and Claims Committee and the House
9 Appropriations Committee, and then by each committee separately.

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

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

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

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

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

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

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

4 (1) Economic Affairs Interim Committee:

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

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

8 (c) Senate Finance and Claims Committee;

9 (d) House Agriculture Committee;

10 (e) House Business and Labor Committee;

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

13 (g) House Appropriations Committee;

14 (2) Education and Local Government Interim Committee:

15 (a) Senate Education and Cultural Resources Committee;

16 (b) Senate Local Government Committee;

17 (c) Senate Finance and Claims Committee;

18 (d) House Education Committee;

19 (e) House Local Government Committee; and

20 (f) House Appropriations Committee;

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

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

24 (b) Senate Finance and Claims Committee;

25 (c) House Human Services Committee; and

26 (d) House Appropriations Committee;

27 (4) Law and Justice Interim Committee:

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

CHAPTER 40

Legislation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (i) Code Commissioner bills;

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

25 and

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

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

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

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

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1 not be introduced unless it is so signed.

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

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

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

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

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

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

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

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

25 Request Deadline

26 5:00 P.M.

27 Legislative Day

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

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

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

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

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

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

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1 conduct an interim study;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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