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As of: November 23, 2018 (10:00am)

LCSJR1

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.

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

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

10 (2) Session staff, including aides, may use state
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 may not authorize others to use state phones or state
16 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 (4) For purposes of this section, "state telephone" or
20 "state phone" means a landline telephone or other telephone
21 provided by the state.

22 **10-80. Joint employees.** The presiding officers of each
23 house, acting together, shall:

24 (1) hire joint employees; and

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

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

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

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

25 (4) If the offended party is a supervisor for the house of
26 representatives or the senate, the violation must be reported to
27 the chief clerk of the house of representatives or to the

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1 secretary of the senate, as appropriate. If the offended party
2 is a supervisor of permanent legislative employees, the violation
3 must be reported to the appropriate division director. If the
4 offender is a division director, the report should be made to the
5 presiding officer of the appropriate statutory committee.

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

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

14 (2) Staff members shall:

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

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

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

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

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

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

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

7 (i) errors in spelling;

8 (ii) errors in numbering sections;

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

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

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

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

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

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

17 and

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

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

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

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

10 **10-130. Bills -- sponsorship -- style -- format.** (1) A bill
11 must be sponsored by a member 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) (a) Except as provided in subsection (4) (b), sections
24 of the Montana Code Annotated repealed or amended in a bill must
25 be stated in the title.

26 (b) (i) Sections of the Montana Code Annotated repealed or
27 amended in a legislative referendum must be stated in the title

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1 unless the inclusion of those sections in the title would cause
2 the title to cumulatively exceed a 100-word limit.

3 (ii) If the inclusion of sections of the Montana Code
4 Annotated repealed or amended in a legislative referendum title
5 would cause the title to cumulatively exceed 100 words, the title
6 must include those sections that do not exceed the 100-word limit
7 and include a reference to the total number of additional
8 sections listed in the body of the bill that are excluded from
9 the title due to the 100-word limit. Those additional sections
10 excluded from the title must be listed in a section within the
11 body of the bill after the enacting clause.

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

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

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

26 (3) This rule does not prevent a committee from tabling a
27 bill proposing an amendment to The Constitution of the State of

1 Montana.

2 **10-150. Recording and publication of voting.** (1) Every vote
3 of each member on each substantive question in the Legislature,
4 in any committee, or in Committee of the Whole must be recorded
5 and made available to the public. On final passage of any bill or
6 joint resolution, the vote must be taken by ayes and noes and the
7 names entered on the journal.

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

11 (i) amend;

12 (ii) recommend passage or nonpassage;

13 (iii) recommend concurrence or nonconcurrence; or

14 (iv) indefinitely postpone.

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

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

20 (4) Roll call votes and other votes that are to be made
21 public but are not specifically required to be spread upon the
22 journal must be entered in the minutes of the appropriate
23 committee or of the appropriate house (Montana Constitution, Art.
24 V, Sec. 11(2)). A copy of the minutes must be filed with the
25 Montana Historical Society. If electronically recorded minutes
26 are kept for a committee, a written log must also be kept that
27 includes but is not limited to:

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- 1 (a) the date, time, and place of the meeting;
- 2 (b) a list of the individual members of the public body,
3 agency, or organization who were in attendance;
- 4 (c) all matters proposed, discussed, or decided; and
- 5 (d) at the request of any member, a record of votes by
6 individual members for any votes taken.

7 **10-160. Journal.** Each house shall:

- 8 (1) supply the Legislative Services Division with the
9 contents of the daily journal to be stored on an automated
10 system;
- 11 (2) examine its journal and order correction of any errors;
12 and
- 13 (3) make a daily journal available to all members.

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

18 (2) The Legislative Services Division shall make the
19 completed journals available to the public.

20 **CHAPTER 20**

21 **Relations With Other House**

22 **20-10. Consent for adjournment or recess.** As required by
23 Article V, section 10(5), of the Montana Constitution, the
24 consent of the other house is required for adjournment or recess
25 for more than 3 calendar days. Consent for adjournment is
26 obtained by having the house wishing to adjourn send a message to
27 the other house and having the receiving house vote favorably on

1 the request. The receiving house shall inform the requesting
2 house of its consent or lack of consent. Consent is not required
3 on or after the 87th legislative day.

4 **CHAPTER 30**

5 **Committees**

6 **30-10. Joint committee chair -- exception.** Except as
7 provided in Joint Rule 30-50 concerning the joint meetings of the
8 Senate Finance and Claims Committee and the House Appropriations
9 Committee, the chair of the Senate committee is the chair of all
10 joint committees.

11 **30-20. Voting in joint committees -- exception.** (1) Except
12 for Rules Committees and conference committees, a member of a
13 joint committee votes individually and not by the house to which
14 the committee member belongs.

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

20 **30-30. Conference committees -- subject matter restrictions.**

21 (1) If either house requests a conference committee and appoints
22 a committee for the purpose of discussing an amendment on which
23 the two houses cannot agree, the other house shall appoint a
24 committee for the same purpose. The time and place of all
25 conference committee meetings must be agreed upon by their chairs
26 and announced from the rostrum. This announcement is in order at
27 any time. Failure to make this announcement does not affect the

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1 validity of the legislation being considered. A conference
2 committee meeting must be conducted as an open meeting, and
3 minutes of the meeting must be kept.

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

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

10 (b) further amendment of the disputed amendment.

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

19 **30-40. Conference committee -- enrolling.** A conference
20 committee report must give clerical instructions for a corrected
21 reference bill and for enrolling by referring to the reference
22 bill version.

23 **30-50. Committee consideration of general appropriation**
24 **bills.** (1) All general appropriation bills must first be
25 considered by a joint subcommittee composed of designated members
26 of the Senate Finance and Claims Committee and the House
27 Appropriations Committee, and then by each committee separately.

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

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

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

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

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

15 **30-60. Estimation of revenue.** (1) The Revenue and
16 Transportation Interim Committee shall introduce a House joint
17 resolution for the purpose of estimating revenue that may be
18 available for appropriation by the Legislature.

19 (2) (a) The committee must have prepared by December 1 for
20 introduction during each regular session of the Legislature in
21 which a revenue bill is under consideration an estimate of the
22 amount of revenue projected to be available for legislative
23 appropriation.

24 (b) The committee may prepare for introduction during a
25 special session of the Legislature in which a revenue bill or an
26 appropriation bill is under consideration an estimate of the
27 amount of projected revenue. The revenue estimate is considered a

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1 subject specified in the call of a special session.

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

5 (1) Economic Affairs Interim Committee:

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

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

9 (c) Senate Finance and Claims Committee;

10 (d) House Agriculture Committee;

11 (e) House Business and Labor Committee;

12 (f) House Energy, Technology, and Federal Relations
13 Committee; and

14 (g) House Appropriations Committee;

15 (2) Education and Local Government Interim Committee:

16 (a) Senate Education and Cultural Resources Committee;

17 (b) Senate Local Government Committee;

18 (c) Senate Finance and Claims Committee;

19 (d) House Education Committee;

20 (e) House Local Government Committee; and

21 (f) House Appropriations Committee;

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

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

25 (b) Senate Finance and Claims Committee;

26 (c) House Human Services Committee; and

27 (d) House Appropriations Committee;

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

25 **30-80. Appointment of committees other than standing or**

26 **statutory interim committees.** Members of committees other than

27 standing or statutory interim committees shall be appointed in

1 accordance with the rules of each house.

2 **CHAPTER 40**

3 **Legislation**

4 **40-10. Amendment to state constitution.** A bill must be used
5 to propose an amendment to The Constitution of the State of
6 Montana. The bill is not subject to the veto of the Governor
7 (Montana Constitution, Art. VI, Sec. 10(1)).

8 **40-20. Appropriation bills -- introduction in House -- feed**
9 **bill.** (1) All appropriation bills must originate in the House of
10 Representatives.

11 (2) Appropriation bills for the operation of the
12 Legislature must be introduced by the chair of the House
13 Appropriations Committee.

14 **40-30. Effective dates.** (1) Except as provided in
15 subsections (2) through (4), a statute takes effect on October 1
16 following its passage and approval unless a different time is
17 prescribed in the enacting legislation.

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

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

25 (4) A joint resolution takes effect on its passage unless a
26 different time is prescribed in the joint resolution.

27 **40-40. Bill requests and introduction -- limits and**

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1 **procedures -- drafting priority -- agency and committee bills.**

2 (1) Prior to a regular session, a person entitled to serve in
3 that session, referred to as a "member", or a legislative
4 committee is entitled to request bill drafting services from the
5 Legislative Services Division. Deadlines for requesting certain
6 types of bills during a legislative session are contained in
7 Joint Rule 40-50.

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

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

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

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

27 (i) Code Commissioner bills;

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

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

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

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

25 (3) Bills and resolutions must be reviewed by the staff of
26 the Legislative Services Division prior to introduction for
27 proper format, style, and legal form. The staff of the

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1 Legislative Services Division shall store bills on the automated
2 bill drafting equipment and shall print and deliver them to the
3 requesting members. The original bill back must be signed to
4 indicate review by the Legislative Services Division. A bill may
5 not be introduced unless it is so signed.

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

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

20 (5) (a) Except as provided in subsection (5) (b) (ii), any
21 bill requested by an interim or statutory legislative committee
22 or on behalf of an administrative or executive agency or
23 department through an interim or statutory committee must be so
24 indicated by placing after the names of the sponsors the phrase
25 "By Request of the..... (Name of committee or agency)". The
26 phrase may not be added to an introduced bill by amendment. The
27 phrase may not be placed on a bill unless requested by a

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1 statutory or interim committee prior to the convening of the
2 session. Unless requested by an individual member, a bill draft
3 request submitted at the request of an agency must be submitted
4 to, reviewed by, and requested by the appropriate interim or
5 statutory committee. Except as provided in subsection (5)(b), an
6 agency or committee bill request must be preintroduced or the
7 request is canceled. Preintroduction of an agency, committee, or
8 individual legislator's bill must occur no later than 5 p.m. on
9 December 15th prior to the convening of a regular legislative
10 session. Preintroduction is accomplished when the Legislative
11 Services Division receives a signed preintroduction form.

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

19 (ii) An official newly elected to a statewide office may
20 request in writing that the Legislative Services Division remove
21 the phrase "By Request of" from bills requested by the
22 outgoing official of that office.

23 (6) Bills may be preintroduced, numbered, and reproduced
24 prior to a legislative session by the staff of the Legislative
25 Services Division. Actual signatures of persons entitled to serve
26 as members in the ensuing session may be obtained on a consent
27 form from the Legislative Services Division and the sponsor's

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1 name printed on the bill. Additional sponsors may be added on
2 motion of the chief sponsor at any time prior to a standing
3 committee report on the bill. These names will be forwarded to
4 the Legislative Services Division to be included on the face of
5 the bill following standing committee approval.

6 **40-50. Schedules for drafting requests and bill**

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

| | Request Deadline |
|----|------------------|
| | 5:00 P.M. |
| | Legislative Day |
| | _____ |
| 9 | |
| 10 | |
| 11 | |
| 12 | |
| 13 | |
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1 (2) (a) A bill or resolution must be introduced at least 6
2 legislative days prior to the applicable transmittal deadline as
3 provided in Joint Rule 40-200 except for:

4 (i) a session committee bill or resolution;

5 (ii) a bill repealing or directing the amendment or adoption
6 of administrative rules;

7 (iii) a joint resolution advising or requesting the repeal,
8 amendment, or adoption of administrative rules; or

9 (iv) a resolution expressing confirmation.

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

13 **40-60. Joint resolutions.** (1) A joint resolution must be
14 adopted by both houses and is not approved by the Governor. It
15 may be used to:

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

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

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

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

23 (e) approve construction of a state building under section
24 18-2-102 or 20-25-302, MCA;

25 (f) deal with disasters and emergencies under Title 10,
26 specifically as provided in sections 10-3-302(3), 10-3-303(3),
27 10-3-303(4), and 10-3-505(5), MCA;

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1 (g) submit a negotiated settlement under section
2 39-31-305(3), MCA;

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

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

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

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

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

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

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

21 **40-65. Appropriation required for bills requesting interim**
22 **studies.** (1) A bill including a request for an interim study may
23 not be transmitted to the Governor unless the bill contains an
24 appropriation sufficient to conduct the study. The bill must
25 include a contingent voidness section that would void the bill if
26 an appropriation is not included. A fiscal note may be requested
27 for a bill requesting an interim study if the appropriation does

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1 not appear to be sufficient.

2 (2) A Senator may introduce a bill that includes a request
3 for an interim study in the Senate without an appropriation, but
4 the bill may not be transmitted to the Governor unless the bill
5 contains an appropriation added in the House that is sufficient
6 to conduct the study.

7 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not
8 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) All bills reported out of a
24 committee of the Legislature, including interim committees,
25 having a potential effect on the revenues, expenditures, or
26 fiscal liability of the state, local governments, or public
27 schools, except appropriation measures carrying specific dollar

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

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

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

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

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

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

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

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

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

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

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1 and

2 (c) long-range financial implications.

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

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

8 (a) a committee considering the bill;

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

11 (c) the chief sponsor.

12 (9) The Budget Director shall prepare and deliver an
13 amended fiscal note on an amended bill within 3 days of the
14 request by the presiding officer; otherwise the bill may proceed
15 without the updated fiscal note.

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

19 (11) If a bill requires a fiscal note, the bill may not be
20 reported from a committee for second reading unless the bill is
21 accompanied by the fiscal note.

22 (12) (a) If the budget director fails to prepare and submit
23 a fiscal note in a timely fashion in accordance with this rule,
24 the presiding officer of each house may request the preparation
25 of a fiscal note by the Legislative Fiscal Division, which shall
26 prepare a fiscal note for the bill.

27 (b) The presiding officer of the originating chamber shall

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1 designate which fiscal note accompanies the bill or is used in
2 the preparation of the status sheet if more than one fiscal note
3 is prepared.

4 **40-110. Sponsor's fiscal note rebuttal.** (1) If a sponsor
5 elects to prepare a sponsor's fiscal note rebuttal, the sponsor
6 shall make the election as provided and return the completed
7 sponsor's fiscal note rebuttal form to the presiding officer
8 within 4 days of the election. The form must identify the bill
9 number, the sponsor of the bill, the date prepared, the version
10 of the fiscal note being rebutted, the reasons the sponsor
11 disagrees with the fiscal note, the items or assumptions in the
12 fiscal note that the sponsor believes are incorrect, and the
13 sponsor's estimate of the fiscal impact, if an estimate is
14 available.

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

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

22 (4) The Legislative Services Division shall provide forms
23 for preparation of sponsors' fiscal note rebuttals and shall
24 print the completed sponsors' fiscal note rebuttal forms on a
25 different color paper than the fiscal notes prepared by the
26 Budget Director.

27 **40-120. Substitute bills.** (1) A committee may recommend that

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

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

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

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

19 **40-140. Second reading -- bill reproduction.** (1) If the
20 majority of a house adopts a recommendation for the passage of a
21 bill originating in that house after the bill has been returned
22 from a committee with amendments, the bill must be reproduced on
23 yellow paper with all amendments incorporated into the copies.

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

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

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

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

22 (3) If a bill is amended by a standing committee in the
23 second house, the amendments must be included in a tan-colored
24 bill and distributed in the second house for second reading
25 consideration. If the bill is amended in Committee of the Whole,
26 the amendments must be included in a salmon-colored reference
27 bill and distributed in the second house for third reading. If

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1 the bill passes on third reading, copies of the reference bill
2 must be distributed in the original house. The original house may
3 request from the second house a specified number of copies of the
4 amendments to be printed.

5 **40-160. Enrolling.** (1) When a bill has passed both houses,
6 it must be enrolled. An original and two duplicate printed copies
7 of the bill must be enrolled, free from all errors, with a margin
8 of two inches at the top and one inch on each side. In sections
9 amending existing statutes, new matter must be underlined and
10 deleted matter must be shown as stricken.

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

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

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

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1 (a) enrolled;

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

4 (c) signed by the presiding officers; and

5 (d) delivered to the Governor or, in the case of a bill
6 proposing a referendum, to the Secretary of State, not later than
7 5 working days after the 90th legislative day.

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

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

15 (7) The original must be filed with the Secretary of State.
16 Signed copies with chapter numbers assigned pursuant to section
17 5-11-204, MCA, must be filed with the Clerk of the Supreme Court
18 and the Legislative Services Division.

19 **40-170. Amendment by second house.** (1) Amendments to a bill
20 by the second house may not be further amended by the house in
21 which the bill originated, but must be either accepted or
22 rejected. A bill amended by the second house when the effect of
23 the combined amendments is to return the bill to the form that
24 the bill passed the house in which the bill originated is not
25 considered to have been amended and need not be returned to the
26 house of origin for acceptance or rejection of the amendments. If
27 the amendments are rejected, a conference committee may be

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1 requested by the house in which the bill originated. If the
2 amendments are accepted and the bill is of a type requiring more
3 than a majority vote for passage, the bill again must be placed
4 on third reading in the house of origin.

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

8 **40-180. Final action on a bill.** (1) When a bill being heard
9 by the second house has received its third reading or has been
10 rejected, the second house shall transmit it as soon as possible
11 to the original house with notice of the second house's action.

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

16 **40-190. Transmittal of bills between houses -- referral --**
17 **hearing.** (1) Each house shall transmit to the other with any bill
18 all relevant papers.

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

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

27 **40-200. Transmittal deadlines -- two-thirds vote**

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

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

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

17 (c) (i) Revenue bills and bills proposing referenda must be
18 transmitted to the other house on or before the 67th legislative
19 day.

20 (ii) Amendments to revenue bills and bills proposing
21 referenda, received from the other house, must be transmitted to
22 the house of origin on or before the 80th legislative day.

23 (iii) A revenue bill is one that either increases or
24 decreases revenue by enacting, eliminating, increasing, or
25 decreasing taxes, fees, or fines.

26 (d) (i) Appropriation bills and any bill implementing
27 provisions of a general appropriation bill must be transmitted to

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1 the Senate on or before the 67th legislative day. A fund transfer
2 within the state treasury is not an appropriation for purposes of
3 this section.

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

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

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

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

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

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

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

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

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1 (c) resolutions; and

2 (d) referendum measures of the Legislature.

3 (2) If the Governor does not sign or veto the bill within
4 10 days after its delivery, the bill becomes law.

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

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

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

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

19 **40-220. Response to Governor's veto.** (1) When the presiding
20 officer receives a veto message, the presiding officer shall read
21 it to the members over the rostrum. After the reading, a member
22 may move that the Governor's veto be overridden.

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

27 **40-230. Governor's recommendations for amendment --**

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1 **procedure.** (1) The Governor may return any bill to the
2 Legislature with recommendations for amendment. The Governor's
3 recommendations for amendment must be considered first by the
4 house in which the bill originated.

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

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

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

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

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

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

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

26 (i) If both houses adopt a conference committee report, the
27 bill in accordance with the report must be returned to the

1 Governor for reconsideration.

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

6 **CHAPTER 60**

7 **Rules**

8 **60-05. Source and precedent of legislative rules of the**
9 **Montana Legislature.** (1) The legislative rules of the Montana

10 Legislature are derived from several sources listed below and
11 take precedence in the following order:

12 (a) constitutional provisions and judicial decisions on the
13 constitution;

14 (b) adopted legislative rules of the Montana Legislature;

15 (c) statutory provisions;

16 (d) adopted parliamentary authority; and

17 (e) parliamentary law.

18 (2) Legislative rules passed by one legislature or
19 statutory provisions governing the legislative process are not
20 binding on a subsequent legislature.

21 **60-10. Suspension of joint rule -- change in rules.** (1) A
22 joint rule may be repealed or amended only with the concurrence
23 of both houses, under the procedures adopted by each house for
24 the repeal or amendment of its own rules.

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

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1 suspending it.

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

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

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

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

13 **60-20. Reference to Mason's Manual.** Mason's Manual of
14 Legislative Procedure (2010) governs the proceedings of the
15 Senate and the House of Representatives in all cases not covered
16 by these rules.

17 **60-30. Publication and distribution of joint rules.** (1) The
18 Legislative Services Division shall codify and publish in one
19 volume:

20 (a) the rules of the Senate;

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

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

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

27 **60-40. Tenure of joint rules.** The joint rules remain in

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1 effect until removed by a joint resolution or until a new
2 Legislature is elected and takes office.

3 - END -

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