

MINUTES

MONTANA SENATE
51st LEGISLATURE - SPECIAL SESSION

COMMITTEE ON JOINT RULES

Call to Order: By Chairman Gage, On June 14, 1989, at 9:00 a.m.

ROLL CALL

Members Present:

Senate Members:

Senator Del Gage, Chairman, Senator Jack Galt, Senator Crippen, Senator Farrell, Senator Jacobson, Senator Norman, and Senator Van Valkenburg.

House of Representatives:

Rep. Hal Harper, Chairman, Rep. John Vincent, Rep. Kelly Addy, Rep. Dave Brown, Rep. Jerry Driscoll, Rep. Tom Hannah, Rep. Dennis Iverson, Rep. John Mercer, Rep. Joe Quilici, and Rep. Jack Ramirez.

Members Excused: None

Members Absent: None

Staff Present: Greg Petesch, Legislative Council Researcher

Committee Secretary: Jill Rohyans

Announcements/Discussion: Senator Gage discussed the memo Bob Person, Legislative Council, and John Larson, Secretary of the Senate, submitted to the Legislature. The purpose of the memo was to co-ordinate rules between the House and Senate (Exhibit #1).

10-130 (Amended)

Senator Gage called the committee attention to page three of Exhibit 1: 10-130. Bills. (1) A bill draft request must be sponsored by a member of the Legislature and must be within the Governor's call to convene the Montana Legislature into Special Session or supported by 76 members of the Legislature.

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Rep. Harper asked if the adopted rules will stay the same if a concurrent special session is called. Senator Gage stated yes. The joint rules will serve every special session of the 51st Legislature.

Rep. Harper stated prior special session rules were made as a floor motion, and voted by a roll call vote. It was not limited to petition signatures.

Article 5, Section 6, stated a special session can be convened at the written request of the majority of members. Rep. Harper suggested the phrase "written request of 76 members" be adopted.

Senator Van Valkenburg stated the majority vote interpretation is the way the Legislature sets up the it's majority position. Since the precedent has been set, the members will expect to use that procedure.

Rep. Harper stated the procedure should be more specific. The procedure should be limited to signing a petition. The signature approach is clearly indicated in the Constitution. The Legislature wants to keep a lid on special session topics. Rep. Harper stated he favors the formal written request approach. Seventy-six House members can vote on a specific issue and determine an issue. The Senate members would, therefore, have no voice in the decision.

Greg Petesch stated the Legislature requested the Attorney General's opinion after the 1972 Constitution was adopted,. The AG ruled a motion and a recorded vote fulfilled the special session call requirements. Therefore, Senator Van Valkenburg's statement is supported by the Attorney General's opinion. The ruling is the only statute concerning the topic.

Rep. Ramirez stated the committee has the option of changing the procedure. Rep. Ramirez stated he prefers concrete restrictions.

Rep Harper stated if restrictions are not outlined, the remedy is inclusively in the House. The Senate would not have access to this method of opening the session.

Senate Gage asked Petesch if the AG's opinion can be superceded. Petesch stated the opinion has the effect of law. However, the committee is not limited to this method of convening a concurrent special session.

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Rep. Driscoll said if a tax bill is drafted, then any bill concerning tax issues can be included. If any legislator objects and states the bill is not within the call, the House majority can override the Rules Committee's determination, and the questionable bill would be considered.

Senator Van Valkenburg stated tax bills are within the call. If the bill is within the call, there is no need to further consider additional tax bills.

Rep. Driscoll stated Workers Compensation issues will be emphasized during the special session. If the Rules Committee does not want Workers Compensation within the call, the decision must be made today. Currently, as the call is written, taxes are included. Therefore, according to Rep. Driscoll's understanding, the Worker Compensation tax issues are also included.

Rep. Vincent moved to amend the rules to read: "Within the Governor's call to convene the Montana Legislature into special session, or as supported by the signatures of no less than 76 members of the Legislature".

Senator Van Valkenburg stated there is frustration concerning special session expansion, but if Rep. Vincent's motion is passed, legislative prerogatives will be taken away. The present law states a motion can be made on the floor of the House or Senate. Senator Van Valkenburg expressed concern as to why the Legislature wants to give up Legislative prerogative and turn decision making activities over to the Governor. Debate can be made during the course of a motion concerning merit or lack of merit. If the legislators are forced into the signature option, decisions will be made "out of the public view", and the public will be absent from public debate concerning the issues. The current system has worked reasonably well in the past. Senator Van Valkenburg stated he doubts the special session can be limited by any factors, other than "timeliness."

Rep. Mercer stated, in his opinion, the argument described by Senator Van Valkenburg works exactly the opposite. The Legislature is convening for a special purpose. The time to debate the topics is before the session is called.

Rep. Harper asked how the procedure would work if the motion originated in the Senate. The committee members agreed if there were 50 votes in the Senate, only 26 House votes would be needed.

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Rep. Harper queried Senator Gage about starting the session with a series of debates in front of both bodies, rather than defining what the special session means from a Rules Committee's standpoint. Senator Van Valkenburg stated it was the interpretation of the Joint Rules Committee to choose the method sanctioned by the Attorney General. That is the reason why the recent previous sessions have not debated when the special session started. In 1986, the Joint Rules Committee adopted a procedure regarding the way the call could be expanded. It was the AG's method.

The question was called. The House Rules Committee voted unanimously in favor of accepting the motion. The Senate Rules Committee voted no. Rep. Vincent's motion failed.

Rep. Harper moved to accept the wording "and must be within the Governor's call to convene the Montana Legislature into Special Session". The other systems will not change.

Senator Van Valkenburg stated "Governor's" should be stricken. For the purpose of rules applying generally to special session, the Governor does not need to be referenced. The Governor has the ability to bring the Legislature into session. The Legislature also has the ability to call a special session. Senator Van Valkenburg suggested the wording be used: "must be within the call to convene the Montana Legislature into Special Session."

Rep. Quilici asked who determines whether or not a bill is within the Governor's call. Senator Gage stated the Legislative Council makes the determination. If a Legislator does not agree, the Legislator can ask the Rules Committee to make the determination. Senator Crippen stated if the Legislator did not agree with the Rules Committee's decision, the issue could be debated on their respective floor. The determination will only bind that Legislator's respective body. The issue must be approved by both the House and Senate Rules Committees. It must then be concurred in by both houses.

Rep. Quilici stated if the issue has to be concurred in by both houses, it will take a 3/5 vote in the House and a simple Senate majority vote. Senator Gage agreed.

Rep. Addy stated, as he understands the question, the Legislative Council must draft any bill requested by a Legislator. It makes no difference whether the bill is within the scope or not.

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Greg Petesch stated the Legislative Council recently adopted a council rule which states the Council will draft bills only if they are within the call. Petesch stated he makes the initial determination.

Rep. Quilici stated the committee does not want to stifle individual legislators and prevent the legislators from introducing "within the call" legislation, but the special session is being called for a specific reason. If the Legislature becomes bound up in other matters, the public concern will not be served.

As a substitute motion, Rep. Mercer moved not to amend Rule 10-130. Rep. Mercer stated the House is also concerned about the special session expansion.

Rep. Mercer again proposed the language submitted by Senator Van Valkenburg concerning bills being specifically within the call. The House Rules can specify if there is something outside the call. Unless accomplished by petition, the House will not consider the bill. The House, unilaterally, can keep control on the special session.

Senator Crippen stated when the Legislature is in session there is no difference between a special session and a general session. The committee must guard against the idea of such rigid restrictions that the Legislature can not function. The Legislature must retain the ability to govern.

Recommendation and Vote.

Restating Representative Mercer's substitute motion: "It must be within the call to convene the Montana Legislature into Special Session", the committee voted.

The House members voted AYE, with one NAY. The Senate members voted AYE unanimously. (Roll Call Vote #2).

30-10 (Amended)

The second order of business concerns Chapter 30 Committees. Senator Gage stated the Joint Subcommittees on Appropriations and Finance and Claims had deleted 30-50 AND 30-60 entirely.

Recommendation and Vote:

Rep. Addy moved the Joint Rules 30-50 and 30-60 not be adopted. Senate Gage agreed it is not important whether or not the

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amendments are adopted. The motion will leave the 30-50 and 30-60 as they were before the Appropriation and Finance and Claims' deletion was made. The House members voted AYE. The Senate members voted AYE.

40-20 (Deleted)

The third order of business concerns Chapter 40 legislation. Rep. Addy moved 40-20 rules not be adopted. According the Rep. Addy "all appropriation bills must originate in the House of Representatives" is a constitutional requirement. Rep. Mercer stated the purpose of the proposed change is to allow school funding bills to start in the Senate the same time the school funding bills start in the House. The intent of chapter 40 is to speed up the process by allowing for joint hearings. Rep. Quilici stated the appropriation process is always conducted in subcommittees which are composed of members of both houses.

Rep. Ramirez stated the purpose of 40-20 is to keep the introduction of all the regular appropriation bills, plus the main budget bill, introduced in one House. The process maintains order. Rep. Ramirez read subsection (2): "Appropriation bills for the operation of the Legislature must be introduced by the chairman of the House Committee on Appropriations". Subsection (2) should stay in place. Rep. Ramirez stated subsection (1) should be deleted. Therefore, Rep. Ramirez offered a substitute motion. The motion failed. (Roll Call Vote Exhibit #3.)

The original motion to accept both subsections (1) and (2), did not pass. The House members failed to accept the motion on a voice vote, and the Senate did not vote.

A motion was made by Rep Addy to accepts number (2) only. The feed bill will stay in the House, but the Senate will to be able to introduce appropriation bills. The House voted AYE. The Senate voted NAY. The motion failed. It was noted when the Legislature adjourns, the Legislature retains no rules for the following session, regular or special.

Senator Gage stated the amendments to the rules provided by the Legislative Council were meant to clarify the process and to simplify the operation of the special session. Senators received a copy of the rules in the mail approximately two days ago.

Senator Gage read, "bills and resolutions must be reviewed by the staff of the Legislative Council prior to introduction for the implementation of proper format, style and legal form, and for

being within the call for the Special Session".

Rep. Ramirez asked the rationale for leaving bills in draft form and for being available to Legislators upon request. The purpose for this measure is to determine the status of bills on Thursday and Friday, prior to the Special Session. Senator Crippen stated the Taxation and Education Committees are meeting on Thursday and Friday, and the committee members must know what bills are in draft form and final form. Rep. Ramirez expressed some apprehension about legislators having access to individual bills before the sponsor has given final approval. Rep. Ramirez stated that provision will do more harm than good. Many times, delicate negotiations are being held on the bill's fine points, a crucial time before the bill is ready for presentation. Rep. Quilici agreed with Rep. Ramirez. Rep. Ramirez stated any interested party can approach the sponsor and ask for needed information.

Senator Crippen asked if the bills being heard tomorrow in the Education and the Taxation Committees are in draft or final form.

Bob Person stated the Legislative Council has approximately 55 bills, some in final and some in draft form. The Council has been trying to obtain the each legislator's permission so a copy of the draft bill can be used by the committees.

Senator Gage asked if the Legislative Council has permission to distribute draft copies at this time. Person stated the policy of obtaining permission is well founded.

As a substitute motion, Senator Van Valkenburg moved rule 40-20 as proposed with the draft availability exception. Further, subsection (7) should be amended following the word "then", strike "noon, June 20, 1989", and insert "noon of the second legislative day, or within one legislative day after delivery of the bill draft request." The reason, Senator Van Valkenburg stated, is because many legislators are likely to put in bill drafting requests on the first day or before noon on the second day. General rules should be implemented, so that future special sessions can hold the rules applicable. Rep. Driscoll questioned the stamp policy. The stamp will not be necessary, according to Senator Gage.

Rep. Vincent stated concern about subsection (7). The Van Valkenburg motion is fair and realistic. Rep. Vincent urged fast bill introduction. The motion reads: "All bills and resolutions, except committee bills, shall be introduced no later than noon of the second Legislative day, or within one

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legislative day after delivery of a bill drafting request." Senator Gage added the motion deletes the language concerning bill draft availability.

The House members voted AYE unanimously. The Senate member voted AYE unanimously.

30-50 and 40-50

The fourth order of business pertains to 30-50, which is also covered in 40-50 (Schedule For Drafting Request and Bill Introductions). At present, there are no bill drafting deadlines.

Senator Van Valkenburg moved to adopt rule 40-50 for special session purposes. The motion deletes the existing group 40-50. The motion provides: "all bill drafting requests must be submitted no later than noon of the second Legislative Special Session day."

The House members accepted the motion unanimously, and the Senate members accepted the motion unanimously.

Rep. Iverson stated there is no limit on the number of bills a legislator can submit. The high number of bills can be a burden on the session and on the council. Rep. Iverson stated there should be guidelines on the number of bills submitted in future special sessions. Senator Gage stated no rules are in place to enforce a bill limit statute. The number of bills submitted by an individual depends on the good will of the respective legislator. Senator Gage doubted whether legislators would agree to such a ruling. Rep. Iverson stated if the rules were in place, the legislators would comply. Senator Gage asked if 40-70 should be eliminated. The committee members generally agreed that it should not.

40-70 (Deleted)

Senator Crippen asked the reason for deleting 40-70. Senate Secretary John Larson replied if there was one school funding bill, the question could certainly arise as to how close a second bill could come to the original bill without "accomplishing the same purpose". Rep. Iverson stated the Rules Committee requires a simple majority to make the determination about various bill accomplishing the same goal. Besides, the legislator does not want the bill to come back "dead". Senator Gage stated a motion is not needed to leave the section intact.

Senator Gage addressed Bob Person's remarks, regarding 40-100, subsection (3). There is nothing the Rules Committee can do to speed up the process. Rep. Addy stated the section should be limited, but asked if it was physically possible to turn bills out in two or three days. The issue was discussed by the Governor and legislative members last week, who were assured every effort would be made to issue information as soon as possible. The Council is working as fast as possible, and understands the urgency of the request. Rep. Addy acknowledged the good faith given by the Governor's Office and the Budget Office in also providing information and statistics at the earliest possible date.

40-150 (Amended)
Engrossing

The fifth order of business concerns 10-120, regarding: "(2) The duties of the engrossing and enrolling staff are: (a) to engross or enroll any bill or resolution delivered to them within 48 hours after it has been received, unless further time is granted in writing by the presiding officer of the house in which the bill originated." Mr. Person indicated, in nearly all cases, the Council could accomplish the task in 24 hours.

40-160
Enrolling

The sixth order of business concerns 40-150, suggesting the bill must be placed on the calendar for third reading on the succeeding legislative day. The new suggestion is the bill can be placed on the calendar the same day. Rep. Driscoll stated the working draft of the rules does not require the bill be held for the next legislative day. The rule allows for third reading the same day. Perhaps, another rule addresses this specific issue.

Senator Gage suggested the wording: "The bill must be placed on the calendar for third reading not later than the succeeding legislative day".

Rep. Harper moved to insert "not later than the succeeding legislative day", and strike "on". The House members accepted the motion, and the Senate members also accepted Rep. Harper's motion.

Enrolling

The seventh order of business deals with 40-160, subsection (4):
"A bill that has passed both houses of the Legislature by the 90th day may be:..."

Rep. Harper Gage moved to amend the rule. The wording will strike "90th day" and insert "last day". Also, the change will insert "not later than", and strike "on". The House members accepted the motion, as did the Senate members.

40-200 Transmittal Deadlines

The eighth order of business addresses 40-200: Transmittal deadlines. Senator Gage reported the entire section has been eliminated. Rep. Ramirez questioned whether or not there should be a transmittal deadline. Games can be played concerning what house is going to pass what bill, and the respective house will "see" what the other side does. A transmittal deadline should be put in place. Perhaps, the transmittal deadline should be the fourth day after the bill is introduced. The bill would then be able to move through the process. If a bill is introduced late, problems arise. There must be enough time to properly hear the bill. The bill should not "sit" forever.

Senator Crippen asked about the 1986 procedure.

Senator Van Valkenburg replied the requirement was deleted with respect to transmittal deadlines. During the last decade, special sessions have not used transmittal. Rep. Harper stated a bill can be sent to be redrafted, thereby, delaying the transmittal date. No one knows the number of days the Special session will last. Senator Gage stated the bill does not have to "wait" for the deadline. The bill can be transmitted as soon as it is ready to transmit.

Rep. Quilici questioned whether or not proper hearings can be held if special session deadlines are required.

Rep. Harper moved 40-200 be eliminated. The committee members accepted the motion unanimously.

* * * * *

Bob Person explained the rule 40-40 about bill drafting requests and introductions. Concerning rules numbered consecutively, the Council has been requested to make an exception to the

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ruling. This will take Joint Rules Committee action to comply with the request.

Rep. Addy asked if the rules allow for joint hearings of Standing House and Senate committees. Senator Gage stated one rule specifies the presiding officer shall coordinate the schedules to accommodate the work loads of the other house. Senator Gage stated the decision will be the prerogative of leadership and committee chairpersons.

Rep. Harper addressed bill draft confidentiality. Rep. Harper agreed the facts should be publicized for discussion by the Taxation Committee. Rep. Harper stated the Legislature must make sure the Council staff is freer to work on the bills. At this point, the Legislature should steer legislators in the direction of publicizing and discussing concept issues. The individual sponsorship should be down-played. The majority of special session work will be accomplished by the committee-bill approach. Committee action will weed out data. Therefore, the ideas must be brought out immediately. Senator Gage stated the intent of today's hearings is to present concepts as well as drafted bills so that specific requests can be incorporated.

Greg Petesch presented a rundown of bills not within the call of the Special Session.

The feed bill is included within the call of the session operational appropriations. Rep. Vincent encouraged Chairman Gage to write a letter to the Governor, requesting the feed bill be included within the Special Session call. Rep. Mercer stated he does not feel it is necessary to take any action. It is so fundamental, specific action is not needed.

Rep. Mercer moved the committee determine the feed bill is within the scope of the Special Session. The House members voted Aye with Representative Harper voting no. The Senate members voted Aye, with Senator Van Valkenburg voting no. Senate Chairman Gage declared the feed bill has been voted on and is within the call.

Board of Education Statute

Greg Petesch said he had received a request to amend the Board of Education statutes. The request concerns new rules which may have substantial financial impact. The concept of the bill focuses on the fact the Board of Education could adopt rules, but the cost must be funded by the Legislature. The bill has been introduced by Rep. Boharski. As explained by Petesch the

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bill states the Board of Education must delay adoption of a rule with substantial financial impact until after the next legislative session. The bill will prohibit the Board from adopting new rules, unless the Legislature funds the proposal.

Senator Crippen stated the subject matter of the Boharski bill is part of the Omnibus bill and asked if the bill could be included within the call. Petesch replied the definition of basic education portion of the bill is within the call, however, the concept to restrict the Board of Education from adopting rules does not fall within the call. Senator Gage stated if Boharski wants to incorporate the idea, he can do so within another bill. Petesch reported he advised Boharski that he would bring the issue before the Joint Rules Committee for determination.

Senator Van Valkenburg moved to rule Representative Boharski's bill is not within the scope of the call. The House members rejected the motion with Representatives Harper, Addy, and Quilici voting yes.

Representative Ramirez moved to consider the Boharski bill draft request within the call of the special session. The motion carried with Representatives Harper, Addy and Quilici voting NAY. The Senate members voted AYE with Senators Van Valkenburg and Jacobson voting NAY. (Roll Call Vote #4.)

Mr. Petesch presented a request for a referendum to delete "equality of" in Article 10, Section 1, of the Constitution. It was his opinion the request did not fall within the call.

There being no motion, Senator Gage said the decision by Mr. Petesch will stand. Representative Mercer noted the minutes should reflect this as being the first time the Rules Committee has upheld a decision by the Council that a bill does not fall within the call.

Mr. Petesch presented a request for a referendum in the 1992 election to retain the gross receipts tax.

Representative Ramirez said the referendum does relate to a gross receipts tax bill which would reduce and reform Montana income tax and should certainly be considered in the special session. He felt the call should not be so narrowly interpreted as to exclude consideration of the referendum issue.

Representative Ramirez moved the referendum request be considered within the call.

The motion carried with Representatives Harper and Quilici voting NAY and the Senate members voting AYE unanimously.

Mr. Petesch said he had received a request for a bill to increase the daytime fine for speeding to \$25.

There was no motion offered. Senator Gage said the decision by Mr. Petesch to deny the request stands.


Mr. Petesch presented three separate requests for study resolutions: a. monitor the implementation of the school funding equalization plan, b. study school district restructuring, and c. make recommendations to the 1991 Legislature regarding fiscal and academic accountability requirements.

Senator Van Valkenburg moved the study requests all be considered within the scope of the call.

The motion carried unanimously by both the House and Senate members of the Rules Committee.

ADJOURNMENT

ADJOURNMENT: There being no further business before the Joint Rules Committee, the meeting adjourned.



Senator Del Gage, Chairman
Joint Rules Committee

JTRULES:jdr

ROLL CALL

JOINT

COMMITTEE ON RULES

51st LEGISLATIVE SESSION -- 1989
SPECIAL

Date 6/14/89

NAME	PRESENT	ABSENT	EXCUSED
Senator Gage	✓		
Senator Galt	✓		
Senator Crippen	✓		
Senator Farrell	✓		
Senator Jacobson	✓		
Senator Norman	✓		
Senator Van Valkenburg	✓		

Each day attach to minutes.

ROLL CALL

JOINT

COMMITTEE ON RULES

S/S LEGISLATIVE SESSION -- 1989
SPECIAL

Date 6/14/89

NAME	PRESENT	ABSENT	EXCUSED
Rep. Harper	X		
Rep. Vincent	X		
Rep. Addy	X		
Rep. Brown	X		
Rep. Driscoll	X		
Rep. Hannah	X		
Rep. Iverson	X		
Rep. Mercer	X		
Rep. Quilici	X		
Rep. Ramirez	X		

Each day attach to minutes.

SENATE MEMBERS
PAUL F. BOYLAN
VICE CHAIRMAN
GARY C. AKLESTAD
DELWYN GAGE
J.D. LYNCH



EX. #
6/14/89
JT. RULES
HOUSE MEMBER
RALPH S. EUDAI
CHAIRMAN
JAN BROWN
RED MENAHAN
JOHN MERCER

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(406) 444-3064

EXECUTIVE DIRECTOR
ROBERT B. PERSON

June 8, 1989

TO: Sen. Del Gage
Rep. Hal Harper

FROM: Bob Person *Bob*

RE: Special session rules

Attached is a research memo I prepared to respond to questions Senator Gage and I have discussed relative to special session rules. Let me know if I can be of further assistance.

M5025 9158rpga

SPECIAL SESSION RULES AND RULE EXCEPTIONS

June 1989

Research Memorandum



Prepared by

Montana Legislative Council

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SPECIAL SESSION RULES AND RULE EXCEPTIONS

By Robert B. Person
Executive Director

Montana Legislative Council

June 1989

Rules adopted for regular sessions of the Legislature contain a number of features relating to scheduling and deadlines that are inapplicable to a special session. Typically, motions have been offered by the rules committee chairmen on the first legislative day to adopt rules and establish exceptions to the regular session rules. Recent revisions in the rules require a more thorough analysis of potential rules exceptions. This memo identifies rules that may pose problems in a special session and suggests exceptions and alternatives that could be adopted. Draft wording outlining floor motions is also included.

Rules relating to the requesting and introduction of bills

These rules limit the number of bills a member may request, when the bills may be requested, and when the bills must be introduced.

Joint Rules 40-40(1) and 40-50.

Senate Rule S40-20(2).

House Rules H40-10 and 40-40(2).

Joint Rule 40-40(1) establishes the bill request limitations for the regular session and, as written, cannot apply to the special session. It can be specifically excepted. The balance of the rule is

workable. This assumes preintroduction is acceptable to the Legislature. Any change in the preintroduction process would implicate Senate Rule S40-20(2) and House Rule H40-40(2) as well.

Joint Rule 40-50 contains schedules for drafting requests and bill introductions. As written, most of the rule does not apply to the special session, but variations have been adopted in the past. For example, in the Third Special Session of the 49th Legislature in June 1986, motions were adopted requiring that all bill drafting requests germane to the call of the Governor be submitted by 5 p.m. of the third legislative day and that the bills be introduced 1 day later. (Please note that House Rule H40-10 contains introduction limits that are similar to the 2-day limit in this joint rule.) Motions could be adopted placing a deadline on requests of 5 p.m. the first legislative day and an introduction deadline of 24 hours following delivery of the draft.

Rules governing engrossing and enrolling

These rules govern the manner and time allowed for the processing of amendments and the reprinting of bills for the next step in the process. They are interrelated with the minimum time periods allowed between one reading and another and the availability of a printed bill.

Joint Rules 10-120(2)(a) and 40-160(4) and (5).
House Rule H40-190(1).

Joint Rule 10-120(2)(a) and House Rule H40-190(1) require that engrossing and enrolling be completed within 48 hours after delivery to the Legislative Council. This time period is really not a big problem

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for enrolling but is usually considered too long for engrossing. Normally, the Council staff can engross and print a bill within a few hours. These rules could be changed so that the bill would be engrossed as soon as practicable. The actual time would vary with the size of the bill and the number of amendments. Normally, amendments delivered by the afternoon of one day would be available as an engrossed and printed bill by the next morning.

Joint Rule 40-160(4) and (5) govern enrolling on and after the 90th legislative day. This rule should be excepted and language included to indicate application of the same rules as to the last legislative day, rather than the 90th day.

Rules establishing minimum times and printing prior to subsequent consideration

These rules require waiting 1 day between readings and so on. Usually they are regarded as too restrictive for a special session.

Joint Rule 40-150(1).

Senate Rules S40-60(2) and 40-70(2).

House Rules H40-60, H40-110(3), and H40-140(3).

The last sentence of Joint Rule 40-150(1) requires a bill to be placed on third reading on the day after committee of the whole amendments are engrossed into the bill. In special session, there is often the need to place the bill on third reading the same day. This provision should be suspended.

Senate Rule S40-60(2) requires that 1 day must elapse between receiving legislation from printing and scheduling it for second reading. House Rule H40-

140(3) requires 1 day between the time a bill is reported from committee and the time it is placed on second reading. In addition, House Rule H40-60 limits the number of readings in a legislative day to one. There may be a need to place the bills on second reading as soon as possible, so these rules could be suspended.

Senate Rule S40-70(2) and House Rule H40-110(3) require consent calendar legislation to remain on the calendar for 1 legislative day prior to action.

Transmittal deadlines

This rule governs the whole gamut of transmittal deadlines.

Joint Rule 40-200

Joint Rule 40-200 applies transmittal deadlines to the regular session schedule. Should transmittal deadlines be found useful, a special set would be needed to supersede this rule.

Miscellaneous rules

There are a few other rules that might be considered a problem unless changed.

Joint Rules 30-60(2) and 40-100.

Senate Rule S30-90.

House Rule H60-20.

The last sentence of Joint Rule 30-60(2) requires the Revenue Estimating Committee to report on the 40th and 60th day. If the committee is to be active during the special session, this sentence should be suspended to

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allow reports at other convenient times. (The law assigning the duty to the Revenue Oversight Committee is not effective until July 1.)

Joint Rule 40-100 governs fiscal notes. It is for the most part a reiteration of statute. In regular session, efforts to speed up the fiscal note process by using the provisions of subsection (2) did not work well, and it was abandoned. Some consideration should be given to trying to foreshorten the 6-day statutory turnaround time on fiscal notes, although that is about a minimum for bills on which the budget director has no advance information.

Senate Rule S30-90 requires a 3-day notice of committee hearings, except in certain cases. Shortened notice might be needed if the session is to be facilitated.

House Rule 60-20 presumes to continue the rules right on through the interim. If that is the case, the suspensions or exceptions noted in this memo with regard to House Rules may require a resolution or a two-thirds suspension vote. Since no statutory authority has been established for rules to continue beyond the end of a session, adoption of special session rules seems as necessary in the House as in the Senate.

Authority of pre-session committee meeting

The question of authority of pre-session committee meetings has arisen. There is no constitutional provision requiring referral of bills to committee. Legislative rules require that bills be sent to a committee and returned prior to passage (S30-80(1), H40-70(2)). An interpretation or clarification of these rules is all that would be needed to authorize

presession hearings or joint hearings to be used to fulfill the rules. For the journal to be complete, however, it should be shown that a bill was submitted to a committee prior to accepting a report on the bill from the committee in order to avoid internal authority problems.

Draft motion for the Senate

I move that the officers, organization, Senate Rules, and Joint Rules of the Fifty-First Legislature selected or adopted by the Senate in regular session be the officers, organization, Senate Rules, and Joint Rules of the Senate for the First Special Session of the Fifty-First Legislature, with the following exceptions:

1. Joint Rules 10-120(2)(a), 30-60(2)(last sentence), 40-40(1), 40-50, 40-150(1)(last sentence), 40-160(4), 40-160(5), and 40-200 do not apply.
2. Senate Rule S40-60(2) does not apply.
3. By joint agreement with the House of Representatives, the following are adopted:
 - a. Bill drafting requests for bills germane to the call of the Governor issued May 18, 1989, must be submitted to the Legislative Council before (time) of/on the (? legislative day/or date).
 - b. Bills must be introduced not later than (duration ?/24 hours) following delivery to the requesting legislator by the Legislative Council.

EX. #1
JT. RULE
6/14/89

c. Bills must be transmitted for consideration by the second house not later than the (?) legislative day. Bills transmitted after this deadline must be handled as provided in subsection (1)(a) of Joint Rule 40-200.

d. Bills submitted for engrossing or enrolling must be processed as soon as practicable, giving consideration to the size of the bill and number of amendments involved.

e. The following provisions in place of Joint Rule 40-160(4) and (5) are adopted:

(4) A bill that has passed both houses of the Legislature by the last day of the special session may be:

(a) enrolled;

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

(c) signed by the presiding officers; and

(d) delivered to the Governor not later than 5 working days after the last legislative day.

(5) All journal entries authorized under this rule must be entered on the journal for the last day of the special session.

4. The following provisions govern proceedings in the Senate:

a. Any minimum time or required notice between subsequent readings? Is availability

of a printed bill an issue?

b. Any change in the committee hearing notice requirement?

Draft motion for the House

I move that the officers, organization, House Rules, and Joint Rules of the Fifty-First Legislature selected or adopted by the House of Representatives in regular session be the officers, organization, House Rules, and Joint Rules of the House of Representatives for the First Special Session of the Fifty-First Legislature, with the following exceptions:

1. Joint Rules 10-120(2)(a), 30-60(2)(last sentence), 40-40(1), 40-50, 40-150(1)(last sentence), 40-160(4), 40-160(5), and 40-200 do not apply.

2. House Rules H40-10, H40-60, H40-149(3), and H40-190(1) do not apply.

3. By joint agreement with the Senate, the following are adopted:

a. Bill drafting requests for bills germane to the call of the Governor issued May 18, 1989, must be submitted to the Legislative Council before (time) of/on the (? legislative day/or date).

b. Bills must be introduced not later than (duration ?/24 hours) following delivery to the requesting legislator by the Legislative Council.

EX. #1
JT. R415
6/14/19

c. Bills must be transmitted for consideration by the second house not later than the (?) legislative day. Bills transmitted after this deadline must be handled as provided in subsection (1)(a) of Joint Rule 40-200.

d. Bills submitted for engrossing or enrolling must be processed as soon as practicable, giving consideration to the size of the bill and number of amendments involved.

e. The following provisions in place of Joint Rule 40-160(4) and (5) are adopted:

(4) A bill that has passed both houses of the Legislature by the last day of the special session may be:

(a) enrolled;

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

(c) signed by the presiding officers; and

(d) delivered to the Governor not later than 5 working days after the last legislative day.

(5) All journal entries authorized under this rule must be entered on the journal for the last day of the special session.

4. The following provisions govern proceedings in the House of Representatives:

a. Any minimum time or required notice between subsequent readings? Is availability

EX. #1
J.T. RULES
6/14/89

of a printed bill an issue?

b. Any change in the committee hearing
notice requirement?

M5025 9158rpga

REPORT NO. 1 P. 11
DATE 6/14/89
BILL NO. 77, RULES

PROPOSED
SENATE AND JOINT RULES REVISIONS
FOR SPECIAL SESSION

Because of the nature of the Special Session, much, if not most debate with regard to proposed legislation is expected to occur on the floor rather than in committee hearings.

Most of the rule changes proposed are for the purpose of expediting the process, creating the flexibility to move legislation efficiently.

Therefore, any rule which would impede the consideration of legislation (without the suspension of rules) in one day's time has been deleted.

Other rules changes insure that the focus of the Special Session remain within the Governor's Call.

Changes are made with regard to how appropriation and revenue legislation is handled, providing greater flexibility.

Rules with deadlines pertinent to regular session have been deleted.

EXPLANATION OF PROPOSED
REVISIONS TO JOINT RULES FOR SPECIAL SESSION

10-130
(Amended)

BILLS

(1) The change in this rule adds the requirement that a bill draft request must be within the Governors Call to Convene the Special Session, or supported by 76 members of the Legislature.

30-10
(Amended)

COMMITTEE CHAIRMAN

Deletes the clause "Except as provided in Joint Rules 30-50 and 30-60". Joint Rules 30-50 and 30-60 are eliminated in their entirety.

30-50
(Deleted)

COMMITTEE CONSIDERATION OF APPROPRIATION BILLS

The rules in this section are deleted in their entirety, eliminating the requirement that appropriation bills be considered jointly and separately by the Finance and Claims and Appropriations Committees. It also eliminates the requirement that joint committee meetings must be called by the chairman of the House Committee on Appropriations.

30-60
(Deleted)

JOINT COMMITTEE TO ESTIMATE REVENUE

This section is deleted in its entirety, eliminating the requirements that any resolution regarding estimated revenue be considered by the joint taxation committee; that the meetings be called by the chairman of the joint committee; and that the committee submit reports to each house on the 40th and 60th days of the regular session.

40-20
(Deleted)

APPROPRIATION BILLS

This section is also deleted in its entirety, eliminating the requirement that all appropriation bills must originate in the House and be introduced by the Chairman of the House Committee on Appropriations.

40-40
(Amended)

BILL DRAFTING REQUESTS AND INTRODUCTION LIMITATIONS

(1) Deadlines and limitations to bill drafting requests are deleted, as are the exceptions to those rules.

(2) Clarifies that bills must be reviewed by the staff for conformance to The Call.

A rule is added to allow legislators access to any bill or resolution which has been submitted to the Legislative Council for drafting.

A rule has also been added to provide an index of such drafts. Such index will be available to the public.

Another new rule adds the requirement that if a bill is outside The Call, it must be so stamped on the outside.

(7) A rule has been added to provide a deadline for the introduction of legislation (except committee bills) of noon, June 20, 1989.

40-50
(Deleted)

SCHEDULES FOR DRAFTING REQUESTS AND BILL INTRODUCTION

These rules pertain to regular session deadlines, and are deleted in their entirety.

40-70
(Deleted)

BILLS WITH THE SAME PURPOSE - VETOES

The rules that disallow the re-introduction of a bill designed with the same purpose as a finally rejected bill have been deleted in their entirety.

40-150
(Amended)

ENGROSSING

(1) The requirement that a bill must be placed on the 3rd reading calendar the day after it has passed 2nd reading and been engrossed has been eliminated from this section.

40-160
(Amended)

ENROLLING

(4) A bill that has passed both houses of the Legislature by "the 90th day" has been changed to "the last day".

(d) The rule that requires a bill to be delivered to the Governor no later than 5 working days after the 90th day has been changed to 5 working days after adjournment.

(5) Changes the rule that all Journal entries must be entered on the Journal for "the 90th day" to "the last day".

40-200
(Deleted)

TRANSMITTAL DEADLINES

All rules with regard to transmittal deadlines have been eliminated for the Special Session.

JOINT RESOLUTION NO. _____ INTRODUCED BY

JOINT RULES COMMITTEE BY REQUEST OF THE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT JOINT RULES TO GOVERN THEIR PROCEEDINGS.

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

That the following joint rules be adopted:

CHAPTER 10 ADMINISTRATION

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

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

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

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

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

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

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

10-70. Telephone calls. (1) Long distance telephone calls made by a member while the Legislature is in session or the member is in travel status are considered official legislative business. These include, but are not limited to, calls made to constituencies, places of business, and family members.

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

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

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

(a) hire joint employees; and

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

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

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

(2) Staff members shall:

(a) maintain personnel files for legislative employees; and

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

10-110. Compensation of legislative employees. The Legislature by joint resolution shall prescribe the compensation of the employees of each house.

10-120. Engrossing and enrolling staff -- duties. (1) The Legislative Council shall hire all engrossing and enrolling staff.

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

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

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

(i) errors in spelling;

(ii) errors in numbering sections;

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

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

(v) errors in outlining or in internal references;

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

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

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

and

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

(3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the Secretary of the Senate or the Chief Clerk of the House and to the sponsor of the bill or amendment. Any of these may register an objection to the correction by filing the objection in writing within 24 hours after receipt of the notice.

(4) If a committee is the sponsor of a bill or resolution, any committee member designated by the chairman may be the

principal sponsor for the purpose of this section. If a committee has proposed an amendment, the chairman is the principal sponsor for the purpose of this section.

10-130. Bills. (1) A bill draft request must be sponsored by a member of the Legislature and must be within the Governor's Call to Convene the Montana Legislature into Special Session, or supported by 76 members of the Legislature.

(2) A bill must be:

- (a) printed on paper with numbered lines;
- (b) numbered at the foot of each page (except page 1);
- (c) introduced in triplicate; and
- (d) for the original copy, covered with a cover page of a substantial material.

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

(4) Sections of the Montana Code Annotated repealed or amended in a bill must be stated in the title, except in general appropriation bills and bills for the codification and general revision of the laws.

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

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

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

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

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

- (a) amend;
- (b) recommend passage or nonpassage;
- (c) recommend concurrence or nonconcurrence; or
- (d) indefinitely postpone.

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

(4) Roll call votes and other votes that are to be made public but are not specifically required to be spread upon the journal must be entered in the minutes of the appropriate committee or of the appropriate house (Montana Constitution, Art. V, Sec. 11(2)). A copy of the minutes must be filed with the Montana

Historical Society.

10-160. Journal. Each house shall:

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

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

(3) distribute a daily journal to all members.

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

(2) The Legislative Council shall distribute the completed journals (sections 5-11-201 through 5-11-203, MCA).

CHAPTER 30 COMMITTEES

30-10. Committee chairman. ~~Except as provided in Joint Rules 30-50 and 30-60, &~~ The chairman of the Senate committee is the chairman of all joint committees.

30-20. Voting in joint committees. (1) Except for Rules Committees and conference committees, a member of a joint committee votes individually and not by the house of which he or she is a member.

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

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

(2) A conference committee, having conferred, shall report to the respective houses the result of its conference. A conference committee shall confine itself to accepting or rejecting each disputed amendment in its entirety.

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

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

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

~~(2) Meetings of the joint committee must be held upon call of the chairman of the House Committee on Appropriations, who is chairman of the joint committee.~~

~~30-60. Joint committee to estimate revenue. (1) There is a joint committee composed of members of the House and Senate Committees on Taxation. The joint committee shall consider any resolution introduced for the purpose of estimating revenue that may be available for appropriation by the Legislature. The joint committee must be composed of three members from each political party in each house appointed by the chairmen of the respective Committees on Taxation.~~

~~(2) Meetings of the joint committee must be held upon the call of the chairman of the joint committee, who must be a member of the House. The joint committee shall issue periodic reports to each of the houses, indicating the committee's current revenue projections. The reports must be issued on the 40th day and the 60th day.~~

CHAPTER 40 LEGISLATION

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

~~40-20. Appropriation bills. (1) All appropriation bills must originate in the House of Representatives.~~

~~(2) Appropriation bills for the operation of the Legislature must be introduced by the chairman of the House Committee on Appropriations.~~

~~40-30. Effective dates. (1) Every statute, except one that provides for appropriation by the Legislature of public funds for a public purpose, takes effect on October 1 following its passage and approval, unless a different time is prescribed therein.~~

~~(2) A law appropriating public funds for a public purpose takes effect on July 1 following its passage and approval, unless a different time is prescribed therein.~~

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

~~40-40. Bill drafting request and introduction limitations. (1) (a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of b Bills and resolutions are to be prepared by the Legislative Council for introduction in the regular special session.~~

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

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

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

~~(i) code commissioner bills;~~
~~(ii) a bill or resolution requested by a standing committee;~~
~~and~~

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

~~(2) Bills and resolutions must be reviewed by the staff of~~

the Legislative Council prior to introduction for proper format, style, and legal form, and for being within The Call for Special Session. The staff of the Legislative Council shall store bills on the automated bill drafting equipment and shall print and deliver them in triplicate to the requesting members. Any bill or resolution in draft form which has been entered on the Legislative Council system shall be made available to any legislator upon request. An index of drafts shall be available for public inspection. The original bill cover must be signed to indicate review by the Legislative Council. A bill may not be introduced unless it is so signed. A bill or resolution outside The Call must be so stamped on the outside.

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

(4) Any bill proposed by a legislative committee or introduced by request of an administrative or executive agency or department must be so indicated by placing after the names of the sponsors the phrase "By Request of the (Name of committee or agency)".

(5) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the staff of the Legislative Council. Actual signatures may appear on the face of the preintroduced bill, or signatures may be obtained on a consent form from the Legislative Council and the sponsor's name printed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Council to be included on the face of the bill following standing committee approval.

(6) All preintroduced bills must be made available to the public.

(7) All bills and resolutions except committee bills shall be introduced no later than noon, June 20, 1989.

~~40-50. Schedules for drafting requests and bill introduction. The following schedule must be followed for submission of drafting requests and introduction of bills and resolutions.~~

Request	Introduction
Deadline	Deadline
5:00 P.M.	5:00 P.M.
Legislative	Legislative
Day	Day

~~o General Bills and Resolutions 10 14~~

~~o Revenue Bills 17 21~~

~~o~~

~~Committee Bills and Resolutions~~

~~36 40~~

~~o Committee Revenue Bills 62 66~~

~~o~~

~~Committee bills implementing provisions of a general appropriation act 75 78~~

~~Bills and resolutions delivered after the applicable introduction deadline must be introduced within 2 legislative days after delivery.~~

~~o~~

~~Appropriation Bills~~

~~No Deadline~~

~~No Deadline~~

~~o~~

~~Interim study resolutions~~

~~No Deadline~~

~~No Deadline~~

~~o~~

~~Resolutions to express confirmation of appointments~~

~~No Deadline~~

~~No Deadline~~

~~o~~

~~Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of Administrative Rules~~

~~No Deadline~~

~~No Deadline~~

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

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

(b) request an interim study by a legislative subcommittee;

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

(d) set salaries and other terms of employment for legislative employees;

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

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

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

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

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

(j) advise or request the repeal, amendment, or adoption of

Administrative Rules of Montana.

as otherwise provided in these rules or The State of Montana, a joint resolution is treated as a bill.

of every joint resolution must be transmitted to the Secretary of State by the Secretary of the Chief Clerk of the House.

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

~~lure to override a veto does not constitute final~~

Reproduction of full statute required. A statute may or its provisions extended by reference to its title and statute section that is amended or extended must be published at length.

Bills -- original purpose. A law may not be passed. A bill may not be so altered or amended on its passage in either house as to change its original purpose. Constitution, Art. V, Sec. 11(1)).

Fiscal notes. (1) As provided in Title 5, chapter 4, all bills reported out of a committee of the Legislature having an effect on the revenues, expenditures, or property of the state, except appropriation measures involving dollar amounts, must include a fiscal note containing an estimate of the fiscal effect. The Legislature shall indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. The request for a fiscal note shall be requested by the presiding officer of either house at the time of introduction, shall determine the need for a fiscal note, based on the Legislative Council staff

the requesting member directs otherwise, the Council shall deliver three copies of any bill for which it is determined a fiscal note may be necessary to the presiding officer immediately after the bill has been prepared and delivered to the requesting member. The Budget Director shall proceed with the preparation of a fiscal note in accordance with a subsequent formal request.

Budget Director, in cooperation with the agency or department affected by the bill, is responsible for the preparation of the fiscal note. He shall return the fiscal note within 6 days of the time it is granted by the presiding officer or within the time is granted by the presiding officer or within the time requested, based upon a written statement from the presiding officer that additional time is necessary to properly

completed fiscal note must be submitted by the Budget Director to the presiding officer who requested it. The presiding officer shall refer it to the committee considering the bill. All bills shall be reproduced and placed on the members' desks.

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40-150. Engrossing. (1) When a bill has been reported favorably by Committee of the Whole of the house in which it originated and the report has been adopted, the bill must be engrossed. Committee of the Whole amendments must be included in the engrossed bill. ~~The bill must be placed on the calendar for third reading on the succeeding legislative day.~~

(2) Copies of the engrossed bill to be distributed to members are reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it may be engrossed without reprinting. Only the first sheet must be reproduced on blue paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.

(3) If a bill is amended by a standing committee or Committee of the Whole in the second house, the amendments must be included in a salmon-colored reference bill and distributed in the second house for third reading consideration. The amendments also must be reproduced and attached to the reference bill. If the bill passes on third reading, copies of the reference bill and second house amendments must be distributed in the original house.

40-160. Enrolling. (1) When a bill has passed both houses, it must be enrolled. An original and two duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches at the top and one inch on each side. In sections amending existing statutes, new matter must be underlined and stricken matter must be omitted. The original and two copies of the bill must be red lined. The history of the bill also must be enrolled and placed with the bill in a white manuscript cover, upon which is written the number of the bill and the title. The Legislative Council staff shall file a copy of the history with the law library.

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

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

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

- (a) enrolled;
- (b) clerically corrected by the presiding officers, if necessary;

(c) signed by the presiding officers; and
(d) delivered to the Governor not later than 5 working days after the ~~90th legislative day adjournment~~.

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

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

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

40-170. Amendment by second house. (1) Amendments to a bill by the second house may not be further amended by the house in which the bill originated, but must be either accepted or rejected. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated. If the amendments are accepted and the bill is of a type requiring more than a majority vote for passage, the bill again must be placed on third reading in the house of origin.

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

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

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

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

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

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

~~(ii) Amendments, except to appropriation bills and revenue bills, must be transmitted from one house to the other on or before the 70th legislative day.~~

~~(c) (i) Revenue bills originating in the Senate must be transmitted to the House on or before the 71st legislative day.~~

~~(ii) House amendments to Senate revenue bills must be transmitted by the House to the Senate on or before the 83rd legislative day.~~

~~(iii) Revenue bills originating in the House must be~~

~~transmitted to the Senate on or before the 71st legislative day.~~

~~(iv) Senate amendments to House revenue bills must be transmitted by the Senate to the House on or before the 83rd legislative day.~~

~~(v) A revenue bill is one that either increases or decreases revenue.~~

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

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

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

~~(b) Amendments to the resolutions must be transmitted to the house of origin no later than the 83rd legislative day.~~

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

40-210. Governor's veto. (1) Each bill passed by the Legislature must be submitted to the Governor for his signature. This does not apply to:

(a) bills proposing amendments to the Montana Constitution;

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

(c) resolutions; and

(d) referendum measures of the Legislature.

(2) If the Governor does not sign or veto the bill within 5 days after its delivery to him if the Legislature is in session or within 25 days if the Legislature is adjourned, the bill becomes law.

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

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

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

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

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

(2) A vote on the motion is determined by roll call. If two-thirds of the members present vote "aye", the veto is overridden.

If two-thirds of the members present do not vote "aye", the veto is sustained.

40-230. Governor's recommendations for amendment. (1) The Governor may return any bill to the Legislature with his recommendations for amendment.

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

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

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

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

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

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

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

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

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

CHAPTER 60 RULES

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

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

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

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

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

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

60-20. Reference to Mason's Manual. Mason's Manual of Legislative Procedure (1989) governs the proceedings of the Senate

and the House of Representatives in all cases not covered by these rules.

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

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

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

CHAPTER 70 STATEMENT OF LEGISLATIVE INTENT

70-10. Definition. (1) For the purpose of compliance with the Legislative History Act (Title 5, chapter 4, part 4, MCA), a statement of legislative intent regarding a bill must express the common understanding of those components of the Legislature voting on the bill.

(2) This statement differs from a purpose clause, which is used in general to describe the broad overall objectives of a bill. A statement of intent is used to guide the details of interpretation by those charged with implementation of the bill and is phrased in terms of contingencies, examples, or other matter inappropriate for expression as statutory language.

70-20. Limitation. A statement of intent may not accompany any bill that does not statutorily require one unless a committee (standing committee, Committee of the Whole or conference committee) agrees by a two-thirds vote to attach the statement.

70-30. Statement of intent to accompany bill -- when -- how. A statement of intent must accompany a bill as follows:

(1) A statement of intent is required for a bill delegating new rulemaking or licensing authority.

(2) A statement of intent must be included with the introduced bill for a bill requiring one. If a bill is found to require a statement of intent at any time in the legislative process, a statement of intent may be added under the procedure for amending a bill.

(3) A statement of intent must be included as a part of the bill between the title and the enacting clause under the heading "Statement of Intent".

70-40. Modification. Any committee considering a bill may recommend amendment of a previous statement of intent or recommend inclusion of a statement of intent. The statement of intent must be reflected in the history of the bill.

70-50. Conference committee on statement of intent only. (1) If the second house concurs in a bill without amendments but amends or supersedes a previous statement of intent, the bill may not be enrolled until both houses have agreed on a statement of intent. If the statement of intent is attached to a bill that does not statutorily require one, the conference committee can delete the statement in its entirety.

(2) A new statement of intent written by the second house must be processed in the same manner as a second house amendment.

(3) A regular conference committee may be appointed solely

EX. 1
6/14/89 P 27
JT. RULES

to resolve differences of intent if the second house's statement
of intent is not so accepted.
-End-

ROLL CALL VOTE

EMEND NO. 2
 DATE: 6/14/89
 BILL NO. IT. RULES

JOINT COMMITTEE ON RULES

Date 6/14/89 Bill No. _____ Time _____

NAME	YES	NO
SENATOR GAGE	X	
SENATOR GALT	X	
SENATOR CRIPPEN	X	
SENATOR FARRELL	X	
SENATOR JACOBSON	X	
SENATOR NORMAN	X	
SENATOR VAN VALKENBURG	X	

Gill Robinson Secretary Senator Gage Chairman

Motion: by Rep. Messer p. 5 - minutes

ROLL CALL VOTE

EXHIBIT NO. 2

DATE 6/14/89

BILL NO. JT. RULES

COMMITTEE ON RULES

Date 6/14/89

Bill No. _____

Time _____

NAME	YES	NO
REP. HARPER	X	
REP. VINCENT		X
REP. ADDY	X	
REP. BROWN	X	
REP. DRISCOLL	X	
REP. HANNAH	X	
REP. IVERSON	X	
REP. MERCER	X	
REP. QUILLICI	X	
REP. RAMIREZ	X	

Gill Robinson
Secretary

Senator Inge
Chairman

Motion: Sup Rep. Mercer - p. 5-MINUTES

ROLL CALL VOTE

Ex. # 3
6/14/89
ST. RULES

JOINT
~~SENATE~~ COMMITTEE ON RULES

Date 6/14/89 Bill No. _____ Time _____

NAME	YES	NO
REP. HARPER		X
REP. VINCENT		X
REP. ANDY		X
REP. BROWN		X
REP. DRISCOLL		X
REP. HANNAH		X
REP. IVERSON	X	
REP. MERCER	X	
REP. QUILICI		X
REP. RAMIREZ	X	

Jill Robyns
Secretary

Senator Gage
Chairman

Motion: by Rep. Ramirez P. 6. minutes

ROLL CALL VOTE

EX. # 4
6/14/89
JT. RULES

JOINT
~~SENATE~~ COMMITTEE ON RULES

Date 6/14/89 Bill No. _____ Time _____

NAME	YES	NO
REP. HARPER		X
REP. VINCENT	X	
REP. ADDY		X
REP. BROWN	X	
REP. DRISCOLL	X	
REP. HANNAH	X	
REP. IVERSON	X	
REP. MERCER	X	
REP. DULLICI		X
REP. RAMIREZ	X	

Gill Robyano
Secretary

Senator Hoge
Chairman

Motion: by Rep. Ramirez P. 12 - MINUTES

ROLL CALL VOTE

EX. #4
6/14/89
JT. RULES

JOINT

~~SENATE~~ COMMITTEE ON RULES

Date 6/14/89 Bill No. _____ Time _____

NAME	YES	NO
SEN. GAGE	X	
SEN. GALT		
SEN. CRIPPEN	X	
SEN. FARRELL	X	
SEN. JACOBSON		X
SEN. NORMAN		X
SEN. VAN VALKENBURG		X

Jill Robeyans
Secretary

Sen. Gage
Chairman

Motion: by Rep. Ramirez p. 12 - minutes