

SENATE JOINT RESOLUTION NO. 1

INTRODUCED BY GAGE

BY REQUEST OF THE JOINT RULES COMMITTEE

IN THE SENATE

January 10, 1989	Introduced and referred to Committee on Rules.
January 11, 1989	Committee recommend bill do pass. Report adopted.  On motion, rules suspended to place bill on second reading this day.  Second reading, do pass.
January 12, 1989	Engrossing report.
January 13, 1989	Third reading, passed. Ayes, 50; Noes, 0.  Transmitted to House.

IN THE HOUSE

January 13, 1989	Introduced and referred to Committee on Rules.
January 16, 1989	First reading.
January 19, 1989	Committee recommend bill be concurred in. Report adopted.
January 21, 1989	Second reading, concurred in. Ayes, 93; Noes, 1.
January 24, 1989	Third reading, concurred in.

Ayes, 92; Noes, 6.  
Returned to Senate.

IN THE SENATE

January 25, 1989

Received from House. Sent to  
enrolling.

Reported correctly enrolled.

1 Senate JOINT RESOLUTION NO. 1  
2 INTRODUCED BY Mr.  
3 BY REQUEST OF THE JOINT RULES COMMITTEE  
4  
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
6 REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT JOINT RULES  
7 TO GOVERN THEIR PROCEEDINGS.  
8  
9 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
10 OF REPRESENTATIVES OF THE STATE OF MONTANA:  
11 That the following joint rules be adopted:  
12 CHAPTER 10  
13 ADMINISTRATION  
14 10-10. Time of meeting. Each house may order its time  
15 of meeting.  
16 10-20. Legislative day -- duration. (1) If either  
17 house is in session on a given day, that day constitutes a  
18 legislative day.  
19 (2) A legislative day for a house ends either 24 hours  
20 after that house convenes for the day or at the time the  
21 house convenes for the following legislative day, whichever  
22 is earlier.  
23 10-30. Schedules. The presiding officer of each house  
24 shall coordinate its schedule to accommodate the workload of  
25 the other house.

1 10-40. Adjournment -- recess -- meeting place. A house  
2 may not, without the consent of the other, adjourn or recess  
3 for more than 3 days or to any place other than that in  
4 which the two houses are sitting (Montana Constitution, Art.  
5 V, Sec. 10(5)).  
6 10-50. Access of press. Subject to the presiding  
7 officer's discretion on issues of decorum and order, an  
8 accredited press representative may not be prohibited from  
9 photographing, televising, or recording a legislative  
10 meeting or hearing.  
11 10-60. Conflict of interest. A member who has a  
12 personal or private interest in any measure or bill proposed  
13 or pending before the Legislature shall disclose the fact to  
14 the house of which he is a member.  
15 10-70. Telephone calls. (1) Long distance telephone  
16 calls made by a member while the Legislature is in session  
17 or the member is in travel status are considered official  
18 legislative business. These include, but are not limited  
19 to, calls made to constituencies, places of business, and  
20 family members.  
21 (2) Session staff, including aides and interns, may  
22 use telephones for long distance calls only if specifically  
23 authorized to do so by their legislative sponsor or  
24 supervisor. Sponsoring members and supervisors are  
25 accountable for use of state telephones by their staff,

1 including aides and interns, and may not authorize others to  
2 use state phones.

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

6 10-80. Joint employees. The presiding officers of each  
7 house, acting together, shall:

8 (a) hire joint employees; and

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

12 10-90. Legislative interns. Qualifications for  
13 legislative interns are specified in Title 5, chapter 6,  
14 MCA.

15 10-100. Legislative Council. (1) The staff of the  
16 Legislative Council shall serve both houses as required.

17 (2) Staff members shall:

18 (a) maintain personnel files for legislative  
19 employees; and

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

23 10-110. Compensation of legislative employees. The  
24 Legislature by joint resolution shall prescribe the  
25 compensation of the employees of each house.

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

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

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

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

17 (i) errors in spelling;

18 (ii) errors in numbering sections;

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

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

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

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

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

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

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

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

12 (4) If a committee is the sponsor of a bill or  
13 resolution, any committee member designated by the chairman  
14 may be the principal sponsor for the purpose of this  
15 section. If a committee has proposed an amendment, the  
16 chairman is the principal sponsor for the purpose of this  
17 section.

18 10-130. Bills. (1) A bill draft request must be  
19 sponsored by a member of the Legislature.

20 (2) A bill must be:

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

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

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

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

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

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

23 10-150. Recording and publication of voting. (1) Every  
24 vote of each member on each substantive question in the  
25 Legislature, in any committee, or in Committee of the Whole

1 must be recorded and made public. On final passage of any  
2 bill or joint resolution, the vote must be taken by ayes and  
3 noes and the names entered on the journal.

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

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

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

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

22 10-160. Journal. Each house shall:

- 23 (1) supply the Legislative Council with the contents
- 24 of the daily journal to be stored on an automated system;
- 25 (2) examine its journal and order correction of any

1 errors; and

2 (3) distribute a daily journal to all members.

3 10-170. Journals -- authentication -- distribution.

4 (1) The journal of the Senate must be authenticated by the  
5 signature of the President and the journal of the House of  
6 Representatives by the signature of the Speaker.

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

#### 10 CHAPTER 30

#### 11 COMMITTEES

12 30-10. Committee chairman. Except as provided in Joint  
13 Rules 30-50 and 30-60, the chairman of the Senate committee  
14 is the chairman of all joint committees.

15 30-20. Voting in joint committees. (1) Except for  
16 Rules Committees and conference committees, a member of a  
17 joint committee votes individually and not by the house of  
18 which he or she is a member.

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

25 30-30. Conference committees. (1) If either house

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

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

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

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

23 30-50. Committee consideration of appropriation bills.  
 24 (1) All bills providing for an appropriation of public money  
 25 may first be considered by a joint committee composed of the

1 members of the Senate Committee on Finance and Claims and  
 2 the House Committee on Appropriations, and then by each  
 3 separately.

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

7 30-60. Joint committee to estimate revenue. (1) There  
 8 is a joint committee composed of members of the House and  
 9 Senate Committees on Taxation. The joint committee shall  
 10 consider any resolution introduced for the purpose of  
 11 estimating revenue that may be available for appropriation  
 12 by the Legislature. The joint committee must be composed of  
 13 three members from each political party in each house  
 14 appointed by the chairmen of the respective Committees on  
 15 Taxation.

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

#### 22 CHAPTER 40

#### 23 LEGISLATION

24 40-10. Amendment to state constitution. A bill must be  
 25 used to propose an amendment to The Constitution of the

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

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

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

8 40-30. Effective dates. (1) Every statute, except one  
9 that provides for appropriation by the Legislature of public  
10 funds for a public purpose, takes effect on October 1  
11 following its passage and approval, unless a different time  
12 is prescribed therein.

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

16 (3) A joint resolution takes effect on its passage  
17 unless a different time is prescribed therein (sections  
18 1-2-201 and 1-2-202, MCA).

19 40-40. Bill drafting request and introduction  
20 limitations. (1) (a) Prior to 5 p.m. on December 5  
21 preceding a regular session of the Legislature, a member may  
22 request an unlimited number of bills and resolutions to be  
23 prepared by the Legislative Council for introduction in the  
24 regular session.

25 (b) After 5 p.m. on December 5, a member may request

1 no more than seven bills or resolutions to be prepared by  
2 the Legislative Council. At least two of the seven bills or  
3 resolutions must be requested before the regular session  
4 convenes.

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

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

11 (i) code commissioner bills;

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

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

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

25 (3) During a session, a bill may be introduced by



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

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

18 (5) Bills may be preintroduced, numbered, and  
 19 reproduced prior to a legislative session by the staff of  
 20 the Legislative Council. Actual signatures may appear on  
 21 the face of the preintroduced bill, or signatures may be  
 22 obtained on a consent form from the Legislative Council and  
 23 the sponsor's name printed on the bill. Additional sponsors  
 24 may be added on motion of the chief sponsor at any time  
 25 prior to a standing committee report on the bill. These

1 names will be forwarded to the Legislative Council to be  
 2 included on the face of the bill following standing  
 3 committee approval.

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

6 40-50. Schedules for drafting requests and bill  
 7 introduction. The following schedule must be followed for  
 8 submission of drafting requests and introduction of bills  
 9 and resolutions.

	Request Deadline 5:00 P.M. Legislative Day	Introduction Deadline 5:00 P.M. Legislative Day
10 ● General Bills and Resolutions	10	14
11 ● Revenue Bills	17	21
12 ● Committee Bills and Resolutions	36	40
13 ● Committee Revenue Bills	62	66
14 ● Committee bills implementing	75	78
15 provisions of a general		
16 appropriation act		
17 Bills and resolutions delivered after the applicable		
18 introduction deadline must be introduced within 2		
19 legislative days after delivery.		
20 ● Appropriation Bills	No	No
21	Deadline	Deadline
22 ● Interim study resolutions	No	No

	Request Deadline 5:00 P.M. Legislative Day	Introduction Deadline 5:00 P.M. Legislative Day
	Deadline	Deadline
● Resolutions to express	No	No
confirmation of appointments	Deadline	Deadline
● Bills repealing or directing	No	No
the amendment or adoption of	Deadline	Deadline
administrative rules and joint		
resolutions advising or requesting		
the repeal, amendment, or adoption		
of Administrative Rules		
<b>40-60. Joint resolutions.</b> (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 a rule in the Administrative Rules of Montana.

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

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

**40-70. Bills with same purpose -- vetoes.** (1) A bill may not be introduced or 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 the house in which the bill is offered for introduction or reception.

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

1       **40-80. Reproduction of full statute required.** A  
 2 statute may not be amended or its provisions extended by  
 3 reference to its title only, but the statute section that is  
 4 amended or extended must be reproduced or published at  
 5 length.

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

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

23       (2) Unless the requesting member directs otherwise,  
 24 the Legislative Council shall deliver three copies of any  
 25 bill for which it has been determined a fiscal note may be

1 necessary to the state Budget Director immediately after the  
 2 bill has been prepared for introduction and delivered to the  
 3 requesting member. The Budget Director may proceed with the  
 4 preparation of a fiscal note in anticipation of a subsequent  
 5 formal request.

6       (3) The Budget Director, in cooperation with the  
 7 agency or agencies affected by the bill, is responsible for  
 8 the preparation of the fiscal note. He shall return the  
 9 fiscal note within 6 days unless further time is granted by  
 10 the presiding officer or committee making the request, based  
 11 upon a written statement from the Budget Director that  
 12 additional time is necessary to properly prepare the note.

13       (4) A completed fiscal note must be submitted by the  
 14 Budget Director to the presiding officer who requested it.  
 15 The presiding officer shall refer it to the committee  
 16 considering the bill. All fiscal notes must be reproduced  
 17 and placed on the members' desks.

18       (5) A fiscal note must, if possible, show in dollar  
 19 amounts:

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

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

24       (c) long-range financial implications.

25       (6) The fiscal note may not include any comment or

1 opinion relative to merits of the bill. However, technical  
2 or mechanical defects in the bill may be noted.

3 (7) A fiscal note also may be requested on a bill and  
4 on an amendment by:

5 (a) a committee considering the bill;

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

9 (c) the chief sponsor, through the presiding officer.

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

13 **40-110. Sponsor's fiscal note.** (1) If a sponsor elects  
14 to request the preparation of a sponsor's fiscal note  
15 pursuant to section 5-4-204, MCA, he shall make the election  
16 as provided and return the completed sponsor's fiscal note  
17 to the presiding officer within 4 days of the election.

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

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

25 (4) The Legislative Council shall provide forms for

1 preparation of sponsors' fiscal notes and shall print the  
2 completed sponsors' fiscal notes on a different color paper  
3 than the fiscal notes prepared by the Budget Director.

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

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

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

18 **40-130. Reading of bills.** Prior to passage a bill must  
19 be read three times in the house in which it is under  
20 consideration. It may be read either by title or by summary  
21 of title.

22 **40-140. Second reading -- bill reproduction.** (1) If  
23 the majority of a house adopts a recommendation for the  
24 passage of a bill originating in that house after the bill  
25 has been returned from a committee with amendments, the bill

1 must be reproduced on yellow paper with all amendments  
2 incorporated into the copies.

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

8 40-150. Engrossing. (1) When a bill has been reported  
9 favorably by Committee of the Whole of the house in which it  
10 originated and the report has been adopted, the bill must be  
11 engrossed. Committee of the Whole amendments must be  
12 included in the engrossed bill. The bill must be placed on  
13 the calendar for third reading on the succeeding legislative  
14 day.

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

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

1 consideration. The amendments also must be reproduced and  
2 attached to the reference bill. If the bill passes on third  
3 reading, copies of the reference bill and second house  
4 amendments must be distributed in the original house.

5 40-160. Enrolling. (1) When a bill has passed both  
6 houses, it must be enrolled. An original and two duplicate  
7 printed copies of the bill must be enrolled, free from all  
8 errors, with a margin of two inches at the top and one inch  
9 on each side. In sections amending existing statutes, new  
10 matter must be underlined and stricken matter must be  
11 omitted. The original and two copies of the bill must be red  
12 lined. The history of the bill also must be enrolled and  
13 placed with the bill in a white manuscript cover, upon which  
14 is written the number of the bill and the title. The  
15 Legislative Council staff shall file a copy of the history  
16 with the law library.

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

19 (3) The correctly enrolled bill must be delivered to  
20 the presiding officer of the house in which the bill  
21 originated. The presiding officer shall sign the original  
22 and two copies of each bill delivered to him not later than  
23 the next legislative day after it has been reported  
24 correctly enrolled, unless the bill is delivered on the last  
25 legislative day, in which case he shall sign it that day.

1 The fact of signing must be announced by the presiding  
2 officer and entered upon the journal no later than the next  
3 legislative day. At any time after the report of a bill  
4 correctly enrolled and before the signing, if a member  
5 signifies his desire to examine the bill, he must be  
6 permitted to do so. The bill then must be transmitted to the  
7 other house where the same procedure must be followed.

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

10 (a) enrolled;

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

13 (c) signed by the presiding officers; and

14 (d) delivered to the Governor not later than 5 working  
15 days after the 90th legislative day.

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

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

23 (7) The original must be filed with the Secretary of  
24 State. Signed copies with chapter numbers assigned pursuant  
25 to section 5-11-204, MCA, must be filed with the Clerk of

1 the Supreme Court and the Legislative Council.

2 40-170. Amendment by second house. (1) Amendments to a  
3 bill by the second house may not be further amended by the  
4 house in which the bill originated, but must be either  
5 accepted or rejected. If the amendments are rejected, a  
6 conference committee may be requested by the house in which  
7 the bill originated. If the amendments are accepted and the  
8 bill is of a type requiring more than a majority vote for  
9 passage, the bill again must be placed on third reading in  
10 the house of origin.

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

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

20 40-190. Transmittal of bills between houses. (1) Each  
21 house shall transmit to the other with any bill all relevant  
22 papers.

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

1 is transmitted to the House of Representatives, the Chief  
2 Clerk of the House shall give a dated receipt to the  
3 Secretary of the Senate.

4 40-200. Transmittal deadlines. (1) (a) A bill or  
5 amendment transmitted after the deadline established in this  
6 subsection (1) may be considered by the receiving house only  
7 upon approval of two-thirds of its members present and  
8 voting. If the receiving house does not so vote, the bill or  
9 amendment must be held pending in the house to which it was  
10 transmitted.

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

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

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

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

24 (iii) Revenue bills originating in the House must be  
25 transmitted to the Senate on or before the 71st legislative

1 day.

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

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

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

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

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

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

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

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

4       (a) bills proposing amendments to the Montana  
5 Constitution;

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

8       (c) resolutions; and

9       (d) referendum measures of the Legislature.

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

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

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

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

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

5       **40-220. Response to governor's veto.** (1) When the  
6 presiding officer receives a veto message, he shall read it  
7 to the members over the rostrum. After the reading, a member  
8 may move that the Governor's veto be overridden.

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

13       **40-230. Governor's recommendations for amendment.** (1)  
14 The Governor may return any bill to the Legislature with his  
15 recommendations for amendment.

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

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

25       (4) The bill then is subject to the following



1 procedures:

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

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

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

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

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

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

25 CHAPTER 60

1 RULES

2 60-10. Suspension of joint rule -- change in rules.

3 (1) A joint rule may be repealed or amended only with the  
4 concurrence of both houses, under the procedures adopted by  
5 each house for the repeal or amendment of its own rules.

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

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

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

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

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

21 60-20. Reference to Mason's Manual. Mason's Manual of  
22 Legislative Procedure (1989) governs the proceedings of the  
23 Senate and the House of Representatives in all cases not  
24 covered by these rules.

25 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

1 is attached to a bill that does not statutorily require one,  
2 the conference committee can delete the statement in its  
3 entirety.

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

7 (3) A regular conference committee may be appointed  
8 solely to resolve differences of intent if the second  
9 house's statement of intent is not so accepted.

-End-

ON MOTION RULES SUSPENDED,  
YELLOW PRINTING DISPENSED

*Senate* JOINT RESOLUTION NO. 1

INTRODUCED BY *Mr. [Signature]*  
BY REQUEST OF THE JOINT RULES COMMITTEE

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,

1 including aides and interns, and may not authorize others to  
2 use state phones.

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

6 10-80. Joint employees. The presiding officers of each  
7 house, acting together, shall:

8 (a) hire joint employees; and

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

12 10-90. Legislative interns. Qualifications for  
13 legislative interns are specified in Title 5, chapter 6,  
14 MCA.

15 10-100. Legislative Council. (1) The staff of the  
16 Legislative Council shall serve both houses as required.

17 (2) Staff members shall:

18 (a) maintain personnel files for legislative  
19 employees; and

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

23 10-110. Compensation of legislative employees. The  
24 Legislature by joint resolution shall prescribe the  
25 compensation of the employees of each house.

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

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

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

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

17 (i) errors in spelling;

18 (ii) errors in numbering sections;

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

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

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

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

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

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

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

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

12 (4) If a committee is the sponsor of a bill or  
13 resolution, any committee member designated by the chairman  
14 may be the principal sponsor for the purpose of this  
15 section. If a committee has proposed an amendment, the  
16 chairman is the principal sponsor for the purpose of this  
17 section.

18 10-130. Bills. (1) A bill draft request must be  
19 sponsored by a member of the Legislature.

20 (2) A bill must be:

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

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

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

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

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

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

23 10-150. Recording and publication of voting. (1) Every  
24 vote of each member on each substantive question in the  
25 Legislature, in any committee, or in Committee of the Whole

1 must be recorded and made public. On final passage of any  
2 bill or joint resolution, the vote must be taken by ayes and  
3 noes and the names entered on the journal.

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

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

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

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

22 10-160. Journal. Each house shall:

- 23 (1) supply the Legislative Council with the contents
- 24 of the daily journal to be stored on an automated system;
- 25 (2) examine its journal and order correction of any

1 errors; and

2 (3) distribute a daily journal to all members.

3 10-170. Journals -- authentication -- distribution.

4 (1) The journal of the Senate must be authenticated by the  
5 signature of the President and the journal of the House of  
6 Representatives by the signature of the Speaker.

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

#### 10 CHAPTER 30

#### 11 COMMITTEES

12 30-10. Committee chairman. Except as provided in Joint  
13 Rules 30-50 and 30-60, the chairman of the Senate committee  
14 is the chairman of all joint committees.

15 30-20. Voting in joint committees. (1) Except for  
16 Rules Committees and conference committees, a member of a  
17 joint committee votes individually and not by the house of  
18 which he or she is a member.

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

25 30-30. Conference committees. (1) If either house

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

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

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

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

23 30-50. Committee consideration of appropriation bills.  
 24 (1) All bills providing for an appropriation of public money  
 25 may first be considered by a joint committee composed of the

1 members of the Senate Committee on Finance and Claims and  
 2 the House Committee on Appropriations, and then by each  
 3 separately.

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

7 30-60. Joint committee to estimate revenue. (1) There  
 8 is a joint committee composed of members of the House and  
 9 Senate Committees on Taxation. The joint committee shall  
 10 consider any resolution introduced for the purpose of  
 11 estimating revenue that may be available for appropriation  
 12 by the Legislature. The joint committee must be composed of  
 13 three members from each political party in each house  
 14 appointed by the chairmen of the respective Committees on  
 15 Taxation.

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

#### 22 CHAPTER 40

#### 23 LEGISLATION

24 40-10. Amendment to state constitution. A bill must be  
 25 used to propose an amendment to The Constitution of the



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

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

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

8 **40-30. Effective dates.** (1) Every statute, except one  
9 that provides for appropriation by the Legislature of public  
10 funds for a public purpose, takes effect on October 1  
11 following its passage and approval, unless a different time  
12 is prescribed therein.

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

16 (3) A joint resolution takes effect on its passage  
17 unless a different time is prescribed therein (sections  
18 1-2-201 and 1-2-202, MCA).

19 **40-40. Bill drafting request and introduction**  
20 **limitations.** (1) (a) Prior to 5 p.m. on December 5  
21 preceding a regular session of the Legislature, a member may  
22 request an unlimited number of bills and resolutions to be  
23 prepared by the Legislative Council for introduction in the  
24 regular session.

25 (b) After 5 p.m. on December 5, a member may request

1 no more than seven bills or resolutions to be prepared by  
2 the Legislative Council. At least two of the seven bills or  
3 resolutions must be requested before the regular session  
4 convenes.

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

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

11 (i) code commissioner bills;

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

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

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

25 (3) During a session, a bill may be introduced by

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

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

18 (5) Bills may be preintroduced, numbered, and  
 19 reproduced prior to a legislative session by the staff of  
 20 the Legislative Council. Actual signatures may appear on  
 21 the face of the preintroduced bill, or signatures may be  
 22 obtained on a consent form from the Legislative Council and  
 23 the sponsor's name printed on the bill. Additional sponsors  
 24 may be added on motion of the chief sponsor at any time  
 25 prior to a standing committee report on the bill. These

1 names will be forwarded to the Legislative Council to be  
 2 included on the face of the bill following standing  
 3 committee approval.

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

6 40-50. Schedules for drafting requests and bill  
 7 introduction. The following schedule must be followed for  
 8 submission of drafting requests and introduction of bills  
 9 and resolutions.

	Request Deadline 5:00 P.M. Legislative Day	Introduction Deadline 5:00 P.M. Legislative Day
10 ● General Bills and Resolutions	10	14
11 ● Revenue Bills	17	21
12 ● Committee Bills and Resolutions	36	40
13 ● Committee Revenue Bills	62	66
14 ● Committee bills implementing	75	78
15 provisions of a general		
16 appropriation act		
17 Bills and resolutions delivered after the applicable		
18 introduction deadline must be introduced within 2		
19 legislative days after delivery.		
20 ● Appropriation Bills	No	No
21	Deadline	Deadline
22 ● Interim study resolutions	No	No

	Request Deadline 5:00 P.M. Legislative Day	Introduction Deadline 5:00 P.M. Legislative Day
	Deadline	Deadline
● Resolutions to express	No	No
confirmation of appointments	Deadline	Deadline
● Bills repealing or directing	No	No
the amendment or adoption of	Deadline	Deadline
administrative rules and joint		
resolutions advising or requesting		
the repeal, amendment, or adoption		
of Administrative Rules		
<b>40-60. Joint resolutions.</b> (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 a rule in the Administrative Rules of Montana.

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

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

**40-70. Bills with same purpose -- vetoes.** (1) A bill may not be introduced or 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 the house in which the bill is offered for introduction or reception.

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

1       **40-80. Reproduction of full statute required.** A  
2 statute may not be amended or its provisions extended by  
3 reference to its title only, but the statute section that is  
4 amended or extended must be reproduced or published at  
5 length.

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

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

23       (2) Unless the requesting member directs otherwise,  
24 the Legislative Council shall deliver three copies of any  
25 bill for which it has been determined a fiscal note may be

1 necessary to the state Budget Director immediately after the  
2 bill has been prepared for introduction and delivered to the  
3 requesting member. The Budget Director may proceed with the  
4 preparation of a fiscal note in anticipation of a subsequent  
5 formal request.

6       (3) The Budget Director, in cooperation with the  
7 agency or agencies affected by the bill, is responsible for  
8 the preparation of the fiscal note. He shall return the  
9 fiscal note within 6 days unless further time is granted by  
10 the presiding officer or committee making the request, based  
11 upon a written statement from the Budget Director that  
12 additional time is necessary to properly prepare the note.

13       (4) A completed fiscal note must be submitted by the  
14 Budget Director to the presiding officer who requested it.  
15 The presiding officer shall refer it to the committee  
16 considering the bill. All fiscal notes must be reproduced  
17 and placed on the members' desks.

18       (5) A fiscal note must, if possible, show in dollar  
19 amounts:

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

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

24       (c) long-range financial implications.

25       (6) The fiscal note may not include any comment or

1 opinion relative to merits of the bill. However, technical  
2 or mechanical defects in the bill may be noted.

3 (7) A fiscal note also may be requested on a bill and  
4 on an amendment by:

5 (a) a committee considering the bill;

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

9 (c) the chief sponsor, through the presiding officer.

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

13 **40-110. Sponsor's fiscal note.** (1) If a sponsor elects  
14 to request the preparation of a sponsor's fiscal note  
15 pursuant to section 5-4-204, MCA, he shall make the election  
16 as provided and return the completed sponsor's fiscal note  
17 to the presiding officer within 4 days of the election.

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

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

25 (4) The Legislative Council shall provide forms for

1 preparation of sponsors' fiscal notes and shall print the  
2 completed sponsors' fiscal notes on a different color paper  
3 than the fiscal notes prepared by the Budget Director.

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

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

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

18 **40-130. Reading of bills.** Prior to passage a bill must  
19 be read three times in the house in which it is under  
20 consideration. It may be read either by title or by summary  
21 of title.

22 **40-140. Second reading -- bill reproduction.** (1) If  
23 the majority of a house adopts a recommendation for the  
24 passage of a bill originating in that house after the bill  
25 has been returned from a committee with amendments, the bill

1 must be reproduced on yellow paper with all amendments  
2 incorporated into the copies.

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

8 40-150. Engrossing. (1) When a bill has been reported  
9 favorably by Committee of the Whole of the house in which it  
10 originated and the report has been adopted, the bill must be  
11 engrossed. Committee of the Whole amendments must be  
12 included in the engrossed bill. The bill must be placed on  
13 the calendar for third reading on the succeeding legislative  
14 day.

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

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

1 consideration. The amendments also must be reproduced and  
2 attached to the reference bill. If the bill passes on third  
3 reading, copies of the reference bill and second house  
4 amendments must be distributed in the original house.

5 40-160. Enrolling. (1) When a bill has passed both  
6 houses, it must be enrolled. An original and two duplicate  
7 printed copies of the bill must be enrolled, free from all  
8 errors, with a margin of two inches at the top and one inch  
9 on each side. In sections amending existing statutes, new  
10 matter must be underlined and stricken matter must be  
11 omitted. The original and two copies of the bill must be red  
12 lined. The history of the bill also must be enrolled and  
13 placed with the bill in a white manuscript cover, upon which  
14 is written the number of the bill and the title. The  
15 Legislative Council staff shall file a copy of the history  
16 with the law library.

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

19 (3) The correctly enrolled bill must be delivered to  
20 the presiding officer of the house in which the bill  
21 originated. The presiding officer shall sign the original  
22 and two copies of each bill delivered to him not later than  
23 the next legislative day after it has been reported  
24 correctly enrolled, unless the bill is delivered on the last  
25 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 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.

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

1 is transmitted to the House of Representatives, the Chief  
2 Clerk of the House shall give a dated receipt to the  
3 Secretary of the Senate.

4 40-200. Transmittal deadlines. (1) (a) A bill or  
5 amendment transmitted after the deadline established in this  
6 subsection (1) may be considered by the receiving house only  
7 upon approval of two-thirds of its members present and  
8 voting. If the receiving house does not so vote, the bill or  
9 amendment must be held pending in the house to which it was  
10 transmitted.

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

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

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

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

24 (iii) Revenue bills originating in the House must be  
25 transmitted to the Senate on or before the 71st legislative

1 day.

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

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

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

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

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

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

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



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

4       (a) bills proposing amendments to the Montana  
5 Constitution;

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

8       (c) resolutions; and

9       (d) referendum measures of the Legislature.

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

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

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

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

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

5       **40-220. Response to governor's veto.** (1) When the  
6 presiding officer receives a veto message, he shall read it  
7 to the members over the rostrum. After the reading, a member  
8 may move that the Governor's veto be overridden.

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

13       **40-230. Governor's recommendations for amendment.** (1)  
14 The Governor may return any bill to the Legislature with his  
15 recommendations for amendment.

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

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

25       (4) The bill then is subject to the following

1 procedures:

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

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

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

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

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

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

25 CHAPTER 60

1 RULES

2 60-10. Suspension of joint rule -- change in rules.

3 (1) A joint rule may be repealed or amended only with the  
4 concurrence of both houses, under the procedures adopted by  
5 each house for the repeal or amendment of its own rules.

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

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

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

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

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

21 60-20. Reference to Mason's Manual. Mason's Manual of  
22 Legislative Procedure (1989) governs the proceedings of the  
23 Senate and the House of Representatives in all cases not  
24 covered by these rules.

25 60-30. Publication and distribution of joint rules.

1 (1) The Legislative Council shall codify and publish in one  
2 volume:

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

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

#### 10 CHAPTER 70

#### 11 STATEMENT OF LEGISLATIVE INTENT

12 70-10. Definition. (1) For the purpose of compliance  
13 with the Legislative History Act (Title 5, chapter 4, part  
14 4, MCA), a statement of legislative intent regarding a bill  
15 must express the common understanding of those components of  
16 the Legislature voting on the bill.

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

24 70-20. Limitation. A statement of intent may not  
25 accompany any bill that does not statutorily require one

1 unless a committee (standing committee, Committee of the  
2 Whole or conference committee) agrees by a two-thirds vote  
3 to attach the statement.

4 70-30. Statement of intent to accompany bill -- when  
5 -- how. A statement of intent must accompany a bill as  
6 follows:

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

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

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

17 70-40. Modification. Any committee considering a bill  
18 may recommend amendment of a previous statement of intent or  
19 recommend inclusion of a statement of intent. The statement  
20 of intent must be reflected in the history of the bill.

21 70-50. Conference committee on statement of intent  
22 only. (1) If the second house concurs in a bill without  
23 amendments but amends or supersedes a previous statement of  
24 intent, the bill may not be enrolled until both houses have  
25 agreed on a statement of intent. If the statement of intent

1 is attached to a bill that does not statutorily require one,  
2 the conference committee can delete the statement in its  
3 entirety.

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

7 (3) A regular conference committee may be appointed  
8 solely to resolve differences of intent if the second  
9 house's statement of intent is not so accepted.

-End-

SENATE JOINT RESOLUTION NO. 1

INTRODUCED BY GAGE

BY REQUEST OF THE JOINT RULES COMMITTEE

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.

THERE ARE NO CHANGES ON SJR 1. PLEASE REFER TO THIRD READING (BLUE) COPY FOR COMPLETE TEXT.

SJR 1

REFERENCE BILL