

SENATE JOINT RESOLUTION NO. 9

INTRODUCED BY JERGESON, GRINDE  
BY REQUEST OF THE JOINT RULES COMMITTEE

IN THE SENATE

JANUARY 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON RULES.
	FIRST READING.
JANUARY 12, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 13, 1993	PRINTING REPORT.
	SECOND READING, DO PASS AS AMENDED.
JANUARY 14, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 15, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON RULES.
	FIRST READING.
JANUARY 18, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 20, 1993	SECOND READING, CONCURRED IN.
JANUARY 21, 1993	THIRD READING, CONCURRED IN. AYES, 91; NOES, 4.
	RETURNED TO SENATE.

IN THE SENATE

JANUARY 22, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1  
2 Senate JOINT RESOLUTION NO. 9  
3 INTRODUCED BY Jergeson - Gander  
4 BY REQUEST OF THE JOINT RULES COMMITTEE  
5

6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
7 OF THE STATE OF MONTANA ADOPTING JOINT RULES TO GOVERN THEIR  
8 PROCEEDINGS.  
9

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

12 That the following joint rules be adopted:

13 JOINT RULES OF THE MONTANA  
14 SENATE AND HOUSE OF REPRESENTATIVES

15 CHAPTER 10

16 Administration

17 10-10. Time of meeting. Each house may order its time of  
18 meeting.

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

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

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

1 10-40. Adjournment -- recess -- meeting place. A house may  
2 not, without the consent of the other, adjourn or recess for more  
3 than 3 days or to any place other than that in which the two houses  
4 are sitting (Montana Constitution, Art. V, Sec. 10(5)).

5 10-50. Access of press. Subject to the presiding officer's  
6 discretion on issues of decorum and order, an accredited press  
7 representative may not be prohibited from photographing,  
8 televising, or recording a legislative meeting or hearing.

9 10-60. Conflict of interest. A member who has a personal or  
10 private interest in any measure or bill proposed or pending before  
11 the Legislature shall disclose the fact to the house to which the  
12 member belongs.

13 10-70. Telephone calls. (1) Long distance telephone calls  
14 made by a member while the Legislature is in session or the member  
15 is in travel status are considered official legislative business.  
16 These include, but are not limited to, calls made to  
17 constituencies, places of business, and family members.

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

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

26 10-85. Harassment prohibited. Legislators and legislative

employees have the right to work free of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas when performing services in furtherance of legislative responsibilities, whether the offender be employer, employee, legislator, lobbyist, or member of the public. A violation of this policy must be reported to the presiding officer or the rules committee of the applicable house and is subject to discipline or censure as appropriate.

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

- (1) hire joint employees; and
- (2) 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

1 or the Chief Clerk of the House and to the sponsor of the bill or  
2 amendment. Any of these may register an objection to the correction  
3 by filing the objection in writing within 24 hours after receipt of  
4 the notice.

5 (4) If a committee is the sponsor of a bill or resolution,  
6 any committee member designated by the chair may be the principal  
7 sponsor for the purpose of this section. If a committee has  
8 proposed an amendment, the chair is the principal sponsor for the  
9 purpose of this section.

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

12 (2) A bill must be:

13 (a) printed on paper with numbered lines;

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

15 (c) introduced in duplicate, with an additional title page;  
16 and

17 (d) for the original copy, covered with a cover page of a  
18 substantial material.

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

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

26 (5) Introduced bills must be reproduced on white paper and

1 distributed to members.

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

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

13 10-150. **Recording and publication of voting.** (1) Every vote  
14 of each member on each substantive question in the Legislature, in  
15 any committee, or in Committee of the Whole must be recorded and  
16 made public. On final passage of any bill or joint resolution, the  
17 vote must be taken by ayes and noes and the names entered on the  
18 journal.

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

22 (a) amend;

23 (b) recommend passage or nonpassage;

24 (c) recommend concurrence or nonconcurrence; or

25 (d) indefinitely postpone.

26 (3) A roll call vote must be taken on nonsubstantive

1 questions on the request of two members who may, on any vote,  
2 request that the ayes and noes be spread upon the journal.

3 (4) Roll call votes and other votes that are to be made  
4 public but are not specifically required to be spread upon the  
5 journal must be entered in the minutes of the appropriate committee  
6 or of the appropriate house (Montana Constitution, Art. V, Sec.  
7 11(2)). A copy of the minutes must be filed with the Montana  
8 Historical Society.

9 10-160. Journal. Each house shall:

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

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

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

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

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

21 CHAPTER 30

22 Committees

23 30-10. Committee chair. Except as provided in Joint Rule  
24 30-50, the chair of the Senate committee is the chair of all joint  
25 committees.

26 30-20. Voting in joint committees. (1) Except for Rules

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

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

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

17 (2) A conference committee, having conferred, shall report to  
18 the respective houses the result of its conference. A conference  
19 committee shall confine itself to consideration of the disputed  
20 amendment. The committee may recommend:

21 (a) acceptance or rejection of each disputed amendment in its  
22 entirety; or

23 (b) further amendment of the disputed amendment.

24 (3) If either house requests a free conference committee and  
25 the other house concurs, appointments must be made in the same  
26 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 chair of the House Committee on Appropriations, who is chair of the joint committee.

**30-60. Estimation of revenue.** (1) The Revenue Oversight Committee shall introduce a House joint resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

(2) Meetings of the Revenue Oversight Committee for purposes of estimating revenue must be held upon the call of the chair. The Revenue Oversight Committee shall issue periodic reports to each of the houses, indicating the committee's current revenue projections.

**30-70. Oversight of joint legislative agencies and committees.** The President of the Senate, the Speaker of the House, and the minority leaders of the Senate and the House comprise a legislative management committee which shall meet from time to time at the request of one of its members to review and oversee the

activities of joint agencies and committees of the legislative branch established by law or resolution. The committee may consider, without limitation, matters concerning jurisdictional disputes between joint agencies and committees, agency salary schedules and employment policies, and any other matter bearing upon the efficient operation of the legislative branch. The committee may make such recommendations as it chooses to the appropriate authority or the Legislature.

#### 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 chair 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.

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

4 **40-40. Bill requests and introduction -- limits and**  
5 **procedures.** (1) Prior to a regular session, a person entitled to  
6 serve in that session, hereafter referred to as a "member", is  
7 entitled to request bill drafting services from the Legislative  
8 Council, subject to the following limits:

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

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

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

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

22 (i) Code Commissioner bills;

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

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

1 (2) Bills and resolutions must be reviewed by the staff of  
2 the Legislative Council prior to introduction for proper format,  
3 style, and legal form. The staff of the Legislative Council shall  
4 store bills on the automated bill drafting equipment and shall  
5 print and deliver them in duplicate to the requesting members. The  
6 original bill cover must be signed to indicate review by the  
7 Legislative Council. A bill may not be introduced unless it is so  
8 signed.

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

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

25 (5) Bills may be preintroduced, numbered, and reproduced  
26 prior to a legislative session by the staff of the Legislative

Council. Actual signatures of persons entitled to serve as members in the ensuing session 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.

#### 40-50. Schedules for drafting requests and bill introduction.

The following schedules 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
	<hr/>	<hr/>
• General Bills and Resolutions	10	14
• Revenue Bills	17	21
• Committee Bills and Resolutions	36	40
• Committee Revenue Bills	62	66
• 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.

• Appropriation Bills	No	No
	Deadline	Deadline
• Interim study resolutions	No	No
	Deadline	Deadline
• Resolutions to express confirmation of appointments	No	No
	Deadline	Deadline
• 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	No
	Deadline	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



1 18-2-102 or 20-25-302, MCA;

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

5 (g) submit a negotiated settlement under section  
6 39-31-305(3), MCA;

7 (h) declare or terminate an energy emergency under section  
8 90-4-310, MCA;

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

11 (j) advise or request the repeal, amendment, or adoption of  
12 a rule in the Administrative Rules of Montana.

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

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

19 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not  
20 be introduced or received in a house after that house, during that  
21 session, has finally rejected a bill designed to accomplish the  
22 same purpose, except with the approval of the Rules Committee of  
23 the house in which the bill is offered for introduction or  
24 reception.

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

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

5 **40-90. Bills -- original purpose.** A law may not be passed  
6 except by bill. A bill may not be so altered or amended on its  
7 passage through either house as to change its original purpose  
8 (Montana Constitution, Art. V, Sec. 11(1)).

9 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4,  
10 part 2, MCA, all bills reported out of a committee of the  
11 Legislature having an effect on the revenues, expenditures, or  
12 fiscal liability of the state, except appropriation measures  
13 carrying specific dollar amounts, must include a fiscal note  
14 incorporating an estimate of the fiscal effect. The Legislative  
15 Council staff shall indicate at the top of each bill prepared for  
16 introduction that a fiscal note may be necessary under this rule.  
17 Fiscal notes must be requested by the presiding officer of either  
18 house, who, at the time of introduction, shall determine the need  
19 for the note, based on the Legislative Council staff  
20 recommendation.

21 (2) Unless the requesting member directs otherwise, the  
22 Legislative Council shall deliver three copies of any bill for  
23 which it has been determined a fiscal note may be necessary to the  
24 state Budget Director immediately after the bill has been prepared  
25 for introduction and delivered to the requesting member. The Budget  
26 Director may proceed with the preparation of a fiscal note in

1 anticipation of a subsequent formal request.

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

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

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

14 (a) the estimated increase or decrease in revenues or  
15 expenditures;

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

17 (c) long-range financial implications.

18 (6) The fiscal note may not include any comment or opinion  
19 relative to merits of the bill. However, technical or mechanical  
20 defects in the bill may be noted.

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

23 (a) a committee considering the bill;

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

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

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

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

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

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

15 (4) The Legislative Council shall provide forms for  
16 preparation of sponsors' fiscal notes and shall print the completed  
17 sponsors' fiscal notes on a different color paper than the fiscal  
18 notes prepared by the Budget Director.

19 **40-120. Substitute bills.** (1) A committee may recommend that  
20 every clause in a bill be changed and that entirely new material be  
21 substituted so long as the new material is relevant to the title  
22 and subject of the original bill. The substitute bill is considered  
23 an amendment and not a new bill.

24 (2) The proper form of reporting a substitute bill by a  
25 committee is to propose amendments to strike out all of the  
26 material following the enacting clause, to substitute the new

1 material, and to recommend any necessary changes in the title of  
2 the bill.

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

6 **40-130. Reading of bills.** Prior to passage a bill must be  
7 read three times in the house in which it is under consideration.  
8 It may be read either by title or by summary of title.

9 **40-140. Second reading -- bill reproduction.** (1) If the  
10 majority of a house adopts a recommendation for the passage of a  
11 bill originating in that house after the bill has been returned  
12 from a committee with amendments, the bill must be reproduced on  
13 yellow paper with all amendments incorporated into the copies.

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

18 **40-150. Engrossing.** (1) When a bill has been reported  
19 favorably by Committee of the Whole of the house in which it  
20 originated and the report has been adopted, the bill must be  
21 engrossed. Committee of the Whole amendments must be included in  
22 the engrossed bill. The bill must be placed on the calendar for  
23 third reading on the succeeding legislative day.

24 (2) Copies of the engrossed bill to be distributed to members  
25 are reproduced on blue paper. If a bill is unamended by the  
26 Committee of the Whole and contains no clerical errors, it may be

1 engrossed without reprinting. Only the first sheet must be  
2 reproduced on blue paper, with the remainder of the text  
3 incorporated by reference to the preceding version of the entire  
4 bill.

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

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

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

24 (3) The correctly enrolled bill must be delivered to the  
25 presiding officer of the house in which the bill originated. The  
26 presiding officer shall sign the original and two copies of each

1 bill not later than the next legislative day after it has been  
2 reported correctly enrolled, unless the bill is delivered on the  
3 last legislative day, in which case the presiding officer shall  
4 sign it that day. The fact of signing must be announced by the  
5 presiding officer and entered upon the journal no later than the  
6 next legislative day. At any time after the report of a bill  
7 correctly enrolled and before the signing, if a member signifies a  
8 desire to examine the bill, the member must be permitted to do so.  
9 The bill then must be transmitted to the other house where the same  
10 procedure must be followed.

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

13 (a) enrolled;

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

16 (c) signed by the presiding officers; and

17 (d) delivered to the Governor or, in the case of a bill  
18 proposing a referendum, to the Secretary of State, not later than  
19 5 working days after the 90th legislative day.

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

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

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

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

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

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

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

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

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

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

11       (ii) Amendments, except to appropriation bills and revenue  
12 bills, must be transmitted from one house to the other on or before  
13 the 73rd legislative day.

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

16       (ii) House amendments to Senate revenue bills must be  
17 transmitted by the House to the Senate on or before the 82nd  
18 legislative day.

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

21       (iv) Senate amendments to House revenue bills must be  
22 transmitted by the Senate to the House on or before the 82nd  
23 legislative day.

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

26       (d) (i) Appropriation bills and any bill implementing

1 provisions of a general appropriation bill must be transmitted to  
2 the Senate on or before the 67th legislative day.

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

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

9       (b) Amendments to the resolutions must be transmitted to the  
10 house of origin no later than the 82nd legislative day.

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

16       **40-210. Governor's veto.** (1) Each bill passed by the  
17 Legislature must be submitted to the Governor for the Governor's  
18 signature. This does not apply to:

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

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

23       (c) resolutions; and

24       (d) referendum measures of the Legislature.

25       (2) If the Governor does not sign or veto the bill within 5  
26 days after its delivery if the Legislature is in session or within

1 25 days if the Legislature is adjourned, the bill becomes law.  
2 (3) The Governor shall return a vetoed bill to the  
3 Legislature with a statement of reasons for the veto.  
4 (4) If after receipt of a veto message, two-thirds of the  
5 members of each house present approve the bill, it becomes law.  
6 (5) If the Legislature is not in session when the Governor  
7 vetoes a bill, the Governor shall return the bill with reasons for  
8 the veto to the Legislature as provided by law. The Legislature may  
9 be polled on a bill that it approved by two-thirds of the members  
10 present or it may be reconvened to reconsider any bill so vetoed  
11 (Montana Constitution, Art. VI, Sec. 10).  
12 (6) The Governor may veto items in appropriation bills, and  
13 in these instances the procedure must be the same as upon veto of  
14 an entire bill (Montana Constitution, Art. VI, Sec. 10).  
15 40-220. Response to Governor's veto. (1) When the presiding  
16 officer receives a veto message, the presiding officer shall read  
17 it to the members over the rostrum. After the reading, a member may  
18 move that the Governor's veto be overridden.  
19 (2) A vote on the motion is determined by roll call. If  
20 two-thirds of the members present vote "aye", the veto is  
21 overridden. If two-thirds of the members present do not vote "aye",  
22 the veto is sustained.  
23 40-230. Governor's recommendations for amendment. (1) The  
24 Governor may return any bill to the Legislature with  
25 recommendations for amendment.  
26 (2) If the Legislature passes the bill in accordance with the

1 Governor's recommendations, it shall return the bill to the  
2 Governor for reconsideration. The Governor may not return a bill to  
3 the Legislature a second time for amendment.  
4 (3) If the Governor returns a bill to the originating house  
5 with recommendations for amendment, the house shall reconsider the  
6 bill under its rules relating to amendments offered in Committee of  
7 the Whole.  
8 (4) The bill then is subject to the following procedures:  
9 (a) The originating house shall transmit to the second house,  
10 for consideration under its rules relating to amendments in  
11 Committee of the Whole, the bill and the originating house's  
12 approval or disapproval of the Governor's recommendations.  
13 (b) If both houses approve the Governor's recommendations,  
14 the bill must be returned to the Governor for reconsideration.  
15 (c) If both houses disapprove the Governor's recommendations,  
16 the bill must be returned to the Governor for reconsideration.  
17 (d) If one house disapproves the Governor's recommendations  
18 and the other house approves, then either house may request a  
19 conference committee, which may be a free conference committee.  
20 (i) If both houses adopt a conference committee report, the  
21 bill in accordance with the report must be returned to the Governor  
22 for reconsideration.  
23 (ii) If a conference committee fails to reach agreement or if  
24 its report is not adopted by both houses, the Governor's  
25 recommendations must be considered not approved and the bill must  
26 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.**

1 A statement of intent must accompany a bill as follows:

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

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

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

12 70-40. Modification. Any committee considering a bill may  
13 recommend amendment of a previous statement of intent or recommend  
14 inclusion of a statement of intent. The statement of intent must be  
15 reflected in the history of the bill.

16 70-50. Conference committee on statement of intent only. (1)  
17 If the second house concurs in a bill without amendments but amends  
18 or supersedes a previous statement of intent, the bill may not be  
19 enrolled until both houses have agreed on a statement of intent. If  
20 the statement of intent is attached to a bill that does not  
21 statutorily require one, the conference committee can delete the  
22 statement in its entirety.

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

25 (3) A regular conference committee may be appointed solely to  
26 resolve differences of intent if the second house's statement of

1 intent is not so accepted.

2 -END-



APPROVED BY COMMITTEE  
ON RULES

*Senate* JOINT RESOLUTION NO. 9

INTRODUCED BY Jergeson - Grinde  
BY REQUEST OF THE JOINT RULES COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF MONTANA ADOPTING 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:

JOINT RULES OF THE MONTANA

SENATE AND HOUSE OF REPRESENTATIVES

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 to which the  
member belongs.

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.

10-85. Harassment prohibited. Legislators and legislative

1 employees have the right to work free of harassment on account of  
2 race, color, sex, culture, social origin or condition, or religious  
3 ideas when performing services in furtherance of legislative  
4 responsibilities, whether the offender be employer, employee,  
5 legislator, lobbyist, or member of the public. A violation of this  
6 policy must be reported to the presiding officer or the rules  
7 committee of the applicable house and is subject to discipline or  
8 censure as appropriate.

9 10-80. Joint employees. The presiding officers of each house,  
10 acting together, shall:

- 11 (1) hire joint employees; and  
12 (2) review a dispute or complaint involving the competency or  
13 decorum of a joint employee, and dismiss, suspend, or retain the  
14 employee.

15 10-90. Legislative interns. Qualifications for legislative  
16 interns are specified in Title 5, chapter 6, MCA.

17 10-100. Legislative Council. (1) The staff of the Legislative  
18 Council shall serve both houses as required.

- 19 (2) Staff members shall:  
20 (a) maintain personnel files for legislative employees; and  
21 (b) prepare payrolls for certification and signature by the  
22 presiding officer and prepare a monthly financial report.

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

26 10-120. Engrossing and enrolling staff -- duties. (1) The

1 Legislative Council shall hire all engrossing and enrolling staff.

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

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

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

- 13 (i) errors in spelling;  
14 (ii) errors in numbering sections;  
15 (iii) additions or deletions of underlining or lines through  
16 matter to be stricken;  
17 (iv) material copied incorrectly from the Montana Code  
18 Annotated;  
19 (v) errors in outlining or in internal references;  
20 (vi) an error in a title caused by an amendment;  
21 (vii) an error in a catchline caused by an amendment;  
22 (viii) errors in references to the Montana Code Annotated; and  
23 (ix) other nonconformities of an amendment with Bill Drafting  
24 Manual form.

25 (3) The engrossing and enrolling staff shall give notice in  
26 writing of the clerical correction to the Secretary of the Senate

1 or the Chief Clerk of the House and to the sponsor of the bill or  
2 amendment. Any of these may register an objection to the correction  
3 by filing the objection in writing within 24 hours after receipt of  
4 the notice.

5 (4) If a committee is the sponsor of a bill or resolution,  
6 any committee member designated by the chair may be the principal  
7 sponsor for the purpose of this section. If a committee has  
8 proposed an amendment, the chair is the principal sponsor for the  
9 purpose of this section.

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

12 (2) A bill must be:

13 (a) printed on paper with numbered lines;

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

15 (c) introduced in duplicate, with an additional title page;  
16 and

17 (d) for the original copy, covered with a cover page of a  
18 substantial material.

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

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

26 (5) Introduced bills must be reproduced on white paper and

1 distributed to members.

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

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

13 **10-150. Recording and publication of voting.** (1) Every vote  
14 of each member on each substantive question in the Legislature, in  
15 any committee, or in Committee of the Whole must be recorded and  
16 made public. On final passage of any bill or joint resolution, the  
17 vote must be taken by ayes and noes and the names entered on the  
18 journal.

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

22 (a) amend;

23 (b) recommend passage or nonpassage;

24 (c) recommend concurrence or nonconcurrence; or

25 (d) indefinitely postpone.

26 (3) A roll call vote must be taken on nonsubstantive

1 questions on the request of two members who may, on any vote,  
2 request that the ayes and noes be spread upon the journal.

3 (4) Roll call votes and other votes that are to be made  
4 public but are not specifically required to be spread upon the  
5 journal must be entered in the minutes of the appropriate committee  
6 or of the appropriate house (Montana Constitution, Art. V, Sec.  
7 11(2)). A copy of the minutes must be filed with the Montana  
8 Historical Society.

9 10-160. **Journal.** Each house shall:

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

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

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

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

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

21 CHAPTER 30

22 Committees

23 30-10. **Committee chair.** Except as provided in Joint Rule  
24 30-50, the chair of the Senate committee is the chair of all joint  
25 committees.

26 30-20. **Voting in joint committees.** (1) Except for Rules

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

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

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

17 (2) A conference committee, having conferred, shall report to  
18 the respective houses the result of its conference. A conference  
19 committee shall confine itself to consideration of the disputed  
20 amendment. The committee may recommend:

21 (a) acceptance or rejection of each disputed amendment in its  
22 entirety; or

23 (b) further amendment of the disputed amendment.

24 (3) If either house requests a free conference committee and  
25 the other house concurs, appointments must be made in the same  
26 manner as above. A free conference committee may discuss a bill in

1 its entirety and is not confined to a particular amendment.

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

6 **30-50. Committee consideration of appropriation bills.** (1)  
7 All bills providing for an appropriation of public money may first  
8 be considered by a joint committee composed of the members of the  
9 Senate Committee on Finance and Claims and the House Committee on  
10 Appropriations, and then by each separately.

11 (2) Meetings of the joint committee must be held upon call of  
12 the chair of the House Committee on Appropriations, who is chair of  
13 the joint committee.

14 **30-60. Estimation of revenue.** (1) The Revenue Oversight  
15 Committee shall introduce a House joint resolution for the purpose  
16 of estimating revenue that may be available for appropriation by  
17 the Legislature.

18 (2) Meetings of the Revenue Oversight Committee for purposes  
19 of estimating revenue must be held upon the call of the chair. The  
20 Revenue Oversight Committee shall issue periodic reports to each of  
21 the houses, indicating the committee's current revenue projections.

22 **30-70. Oversight of joint legislative agencies and**  
23 **committees.** The President of the Senate, the Speaker of the House,  
24 and the minority leaders of the Senate and the House comprise a  
25 legislative management committee which shall meet from time to time  
26 at the request of one of its members to review and oversee the

1 activities of joint agencies and committees of the legislative  
2 branch established by law or resolution. The committee may  
3 consider, without limitation, matters concerning jurisdictional  
4 disputes between joint agencies and committees, agency salary  
5 schedules and employment policies, and any other matter bearing  
6 upon the efficient operation of the legislative branch. The  
7 committee may make such recommendations as it chooses to the  
8 appropriate authority or the Legislature.

## CHAPTER 40

## Legislation

11 **40-10. Amendment to state constitution.** A bill must be used  
12 to propose an amendment to The Constitution of the State of  
13 Montana. The bill is not subject to the veto of the Governor  
14 (Montana Constitution, Art. VI, Sec. 10(1)).

15 **40-20. Appropriation bills.** (1) All appropriation bills must  
16 originate in the House of Representatives.

17 (2) Appropriation bills for the operation of the Legislature  
18 must be introduced by the chair of the House Committee on  
19 Appropriations.

20 **40-30. Effective dates.** (1) Every statute, except one that  
21 provides for appropriation by the Legislature of public funds for  
22 a public purpose, takes effect on October 1 following its passage  
23 and approval, unless a different time is prescribed therein.

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

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

4 **40-40. Bill requests and introduction -- limits and**  
5 **procedures.** (1) Prior to a regular session, a person entitled to  
6 serve in that session, hereafter referred to as a "member", is  
7 entitled to request bill drafting services from the Legislative  
8 Council, subject to the following limits:

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

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

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

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

22 (i) Code Commissioner bills;

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

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

1 (2) Bills and resolutions must be reviewed by the staff of  
2 the Legislative Council prior to introduction for proper format,  
3 style, and legal form. The staff of the Legislative Council shall  
4 store bills on the automated bill drafting equipment and shall  
5 print and deliver them in duplicate to the requesting members. The  
6 original bill cover must be signed to indicate review by the  
7 Legislative Council. A bill may not be introduced unless it is so  
8 signed.

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

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

25 (5) Bills may be preintroduced, numbered, and reproduced  
26 prior to a legislative session by the staff of the Legislative

Council. Actual signatures of persons entitled to serve as members in the ensuing session 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.

**40-50. Schedules for drafting requests and bill introduction.** The following schedules 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
	<hr/>	<hr/>
• General Bills and Resolutions	10	14
• Revenue Bills	17	21
• Committee Bills and Resolutions	36	40
• Committee Revenue Bills	62	66
• 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.

• Appropriation Bills	No	No
	Deadline	Deadline

• Interim study resolutions	No	No
	Deadline	Deadline

• Resolutions to express confirmation of appointments	No	No
	Deadline	Deadline

• 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	No
	Deadline	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

1 18-2-102 or 20-25-302, MCA;

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

5 (g) submit a negotiated settlement under section  
6 39-31-305(3), MCA;

7 (h) declare or terminate an energy emergency under section  
8 90-4-310, MCA;

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

11 (j) advise or request the repeal, amendment, or adoption of  
12 a rule in the Administrative Rules of Montana.

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

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

19 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not  
20 be introduced or received in a house after that house, during that  
21 session, has finally rejected a bill designed to accomplish the  
22 same purpose, except with the approval of the Rules Committee of  
23 the house in which the bill is offered for introduction or  
24 reception.

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

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

5 **40-90. Bills -- original purpose.** A law may not be passed  
6 except by bill. A bill may not be so altered or amended on its  
7 passage through either house as to change its original purpose  
8 (Montana Constitution, Art. V, Sec. 11(1)).

9 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4,  
10 part 2, MCA, all bills reported out of a committee of the  
11 Legislature having an effect on the revenues, expenditures, or  
12 fiscal liability of the state, except appropriation measures  
13 carrying specific dollar amounts, must include a fiscal note  
14 incorporating an estimate of the fiscal effect. The Legislative  
15 Council staff shall indicate at the top of each bill prepared for  
16 introduction that a fiscal note may be necessary under this rule.  
17 Fiscal notes must be requested by the presiding officer of either  
18 house, who, at the time of introduction, shall determine the need  
19 for the note, based on the Legislative Council staff  
20 recommendation.

21 (2) Unless the requesting member directs otherwise, the  
22 Legislative Council shall deliver three copies of any bill for  
23 which it has been determined a fiscal note may be necessary to the  
24 state Budget Director immediately after the bill has been prepared  
25 for introduction and delivered to the requesting member. The Budget  
26 Director may proceed with the preparation of a fiscal note in



1 anticipation of a subsequent formal request.

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

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

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

14 (a) the estimated increase or decrease in revenues or  
15 expenditures;

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

17 (c) long-range financial implications.

18 (6) The fiscal note may not include any comment or opinion  
19 relative to merits of the bill. However, technical or mechanical  
20 defects in the bill may be noted.

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

23 (a) a committee considering the bill;

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

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

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

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

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

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

15 (4) The Legislative Council shall provide forms for  
16 preparation of sponsors' fiscal notes and shall print the completed  
17 sponsors' fiscal notes on a different color paper than the fiscal  
18 notes prepared by the Budget Director.

19 **40-120. Substitute bills.** (1) A committee may recommend that  
20 every clause in a bill be changed and that entirely new material be  
21 substituted so long as the new material is relevant to the title  
22 and subject of the original bill. The substitute bill is considered  
23 an amendment and not a new bill.

24 (2) The proper form of reporting a substitute bill by a  
25 committee is to propose amendments to strike out all of the  
26 material following the enacting clause, to substitute the new

1 material, and to recommend any necessary changes in the title of  
2 the bill.

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

6 **40-130. Reading of bills.** Prior to passage a bill must be  
7 read three times in the house in which it is under consideration.  
8 It may be read either by title or by summary of title.

9 **40-140. Second reading -- bill reproduction.** (1) If the  
0 majority of a house adopts a recommendation for the passage of a  
1 bill originating in that house after the bill has been returned  
2 from a committee with amendments, the bill must be reproduced on  
3 yellow paper with all amendments incorporated into the copies.

4 (2) If a bill has been returned from a committee without  
5 amendments, only the first sheet must be reproduced on yellow  
6 paper, and the remainder of the text may be incorporated by  
7 reference to the preceding version of the 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  
0 originated and the report has been adopted, the bill must be  
1 engrossed. Committee of the Whole amendments must be included in  
2 the engrossed bill. The bill must be placed on the calendar for  
3 third reading on the succeeding legislative day.

4 (2) Copies of the engrossed bill to be distributed to members  
5 are reproduced on blue paper. If a bill is unamended by the  
6 Committee of the Whole and contains no clerical errors, it may be

1 engrossed without reprinting. Only the first sheet must be  
2 reproduced on blue paper, with the remainder of the text  
3 incorporated by reference to the preceding version of the entire  
4 bill.

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

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

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

24 (3) The correctly enrolled bill must be delivered to the  
25 presiding officer of the house in which the bill originated. The  
26 presiding officer shall sign the original and two copies of each

1 bill not later than the next legislative day after it has been  
2 reported correctly enrolled, unless the bill is delivered on the  
3 last legislative day, in which case the presiding officer shall  
4 sign it that day. The fact of signing must be announced by the  
5 presiding officer and entered upon the journal no later than the  
6 next legislative day. At any time after the report of a bill  
7 correctly enrolled and before the signing, if a member signifies a  
8 desire to examine the bill, the member must be permitted to do so.  
9 The bill then must be transmitted to the other house where the same  
10 procedure must be followed.

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

13 (a) enrolled;

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

16 (c) signed by the presiding officers; and

17 (d) delivered to the Governor or, in the case of a bill  
18 proposing a referendum, to the Secretary of State, not later than  
19 5 working days after the 90th legislative day.

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

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

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

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

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

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

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

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

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

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

11       (ii) Amendments, except to appropriation bills and revenue  
12 bills, must be transmitted from one house to the other on or before  
13 the 73rd legislative day.

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

16       (ii) House amendments to Senate revenue bills must be  
17 transmitted by the House to the Senate on or before the 82nd  
18 legislative day.

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

21       (iv) Senate amendments to House revenue bills must be  
22 transmitted by the Senate to the House on or before the 82nd  
23 legislative day.

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

26       (d) (i) Appropriation bills and any bill implementing

1 provisions of a general appropriation bill must be transmitted to  
2 the Senate on or before the 67th legislative day.

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

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

9       (b) Amendments to the resolutions must be transmitted to the  
10 house of origin no later than the 82nd legislative day.

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

16       **40-210. Governor's veto.** (1) Each bill passed by the  
17 Legislature must be submitted to the Governor for the Governor's  
18 signature. This does not apply to:

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

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

23       (c) resolutions; and

24       (d) referendum measures of the Legislature.

25       (2) If the Governor does not sign or veto the bill within 5  
26 days after its delivery if the Legislature is in session or within

1 25 days if the Legislature is adjourned, the bill becomes law.

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

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

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

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

15 **40-220. Response to Governor's veto.** (1) When the presiding  
16 officer receives a veto message, the presiding officer shall read  
17 it to the members over the rostrum. After the reading, a member may  
18 move that the Governor's veto be overridden.

19 (2) A vote on the motion is determined by roll call. If  
20 two-thirds of the members present vote "aye", the veto is  
21 overridden. If two-thirds of the members present do not vote "aye",  
22 the veto is sustained.

23 **40-230. Governor's recommendations for amendment.** (1) The  
24 Governor may return any bill to the Legislature with  
25 recommendations for amendment.

26 (2) If the Legislature passes the bill in accordance with the

1 Governor's recommendations, it shall return the bill to the  
2 Governor for reconsideration. The Governor may not return a bill to  
3 the Legislature a second time for amendment.

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

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

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

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

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

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

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

23 (ii) If a conference committee fails to reach agreement or if  
24 its report is not adopted by both houses, the Governor's  
25 recommendations must be considered not approved and the bill must  
26 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.**

1 A statement of intent must accompany a bill as follows:

2 (1) A statement of intent is required for a bill delegating

3 new rulemaking or licensing authority.

4 (2) A statement of intent must be included with the

5 introduced bill for a bill requiring one. If a bill is found to

6 require a statement of intent at any time in the legislative

7 process, a statement of intent may be added under the procedure for

8 amending a bill.

9 (3) A statement of intent must be included as a part of the

10 bill between the title and the enacting clause under the heading

11 "Statement of Intent".

12 **70-40. Modification.** Any committee considering a bill may

13 recommend amendment of a previous statement of intent or recommend

14 inclusion of a statement of intent. The statement of intent must be

15 reflected in the history of the bill.

16 **70-50. Conference committee on statement of intent only.** (1)

17 If the second house concurs in a bill without amendments but amends

18 or supersedes a previous statement of intent, the bill may not be

19 enrolled until both houses have agreed on a statement of intent. If

20 the statement of intent is attached to a bill that does not

21 statutorily require one, the conference committee can delete the

22 statement in its entirety.

23 (2) A new statement of intent written by the second house

24 must be processed in the same manner as a second house amendment.

25 (3) A regular conference committee may be appointed solely to

26 resolve differences of intent if the second house's statement of

1 intent is not so accepted.

2 -END-

1  
2 SENATE JOINT RESOLUTION NO. 9

3 INTRODUCED BY JERGESON, GRINDE

4 BY REQUEST OF THE JOINT RULES COMMITTEE  
56 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
7 OF THE STATE OF MONTANA ADOPTING JOINT RULES TO GOVERN THEIR  
8 PROCEEDINGS.  
910 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF  
11 REPRESENTATIVES OF THE STATE OF MONTANA:

12 That the following joint rules be adopted:

## 13 JOINT RULES OF THE MONTANA

## 14 SENATE AND HOUSE OF REPRESENTATIVES

## 15 CHAPTER 10

## 16 Administration

17 10-10. Time of meeting. Each house may order its time of  
18 meeting.19 10-20. Legislative day -- duration. (1) If either house is in  
20 session on a given day, that day constitutes a legislative day.21 (2) A legislative day for a house ends either 24 hours after  
22 that house convenes for the day or at the time the house convenes  
23 for the following legislative day, whichever is earlier.24 10-30. Schedules. The presiding officer of each house shall  
25 coordinate its schedule to accommodate the workload of the other  
26 house.



1           **10-40. Adjournment -- recess -- meeting place.** A house may  
2 not, without the consent of the other, adjourn or recess for more  
3 than 3 days or to any place other than that in which the two houses  
4 are sitting (Montana Constitution, Art. V, Sec. 10(5)).

5           **10-50. Access of press.** Subject to the presiding officer's  
6 discretion on issues of decorum and order, an accredited press  
7 representative may not be prohibited from photographing,  
8 televising, or recording a legislative meeting or hearing.

9           **10-60. Conflict of interest.** A member who has a personal or  
10 private interest in any measure or bill proposed or pending before  
11 the Legislature shall disclose the fact to the house to which the  
12 member belongs.

13           **10-70. Telephone calls.** (1) Long distance telephone calls  
14 made by a member while the Legislature is in session or the member  
15 is in travel status are considered official legislative business.  
16 These include, but are not limited to, calls made to  
17 constituencies, places of business, and family members.

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

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

26           **10-80. Joint employees.** The presiding officers of each house,

1 acting together, shall:

2 (1) hire joint employees; and

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

6 **10-85. Harassment prohibited.** Legislators and legislative  
7 employees have the right to work free of harassment on account of  
8 race, color, sex, culture, social origin or condition, or religious  
9 ideas when performing services in furtherance of legislative  
10 responsibilities, whether the offender be employer, employee,  
11 legislator, lobbyist, or member of the public. A violation of this  
12 policy must be reported to the PARTY LEADER IN THE APPROPRIATE  
13 HOUSE IF THE OFFENDED PARTY IS A LEGISLATOR OR TO THE presiding  
14 officer or IF THE OFFENDED PARTY IS THE PARTY LEADER. THE  
15 PRESIDING OFFICER MAY REFER THE MATTER TO the rules committee of  
16 the applicable house, and THE OFFENDER is subject to discipline or  
17 censure, as appropriate. IF THE OFFENDED PARTY IS AN EMPLOYEE, THE  
18 VIOLATION MUST BE REPORTED TO THE EMPLOYEE'S SUPERVISOR OR, IF THE  
19 OFFENDER IS THE SUPERVISOR, THE REPORT SHOULD BE MADE TO THE CHIEF  
20 CLERK OF THE HOUSE OF REPRESENTATIVES OR TO THE SECRETARY OF THE  
21 SENATE, AS APPROPRIATE. IF THE OFFENDED PARTY IS A SUPERVISOR, THE  
22 VIOLATION MUST BE REPORTED TO THE CHIEF CLERK OF THE HOUSE OF  
23 REPRESENTATIVES OR TO THE SECRETARY OF THE SENATE, AS APPROPRIATE.  
24 THE CHIEF CLERK OR THE SECRETARY SHALL REPORT THE VIOLATION TO THE  
25 PRESIDING OFFICER. THE PRESIDING OFFICER MAY REFER THE MATTER TO  
26 THE RULES COMMITTEE. IF THE OFFENDER IS AN EMPLOYEE, THE EMPLOYEE

1 IS SUBJECT TO DISCIPLINE OR DISCHARGE.

2       **10-90. Legislative interns.** Qualifications for legislative  
3 interns are specified in Title 5, chapter 6, MCA.

4       **10-100. Legislative Council.** (1) The staff of the Legislative  
5 Council shall serve both houses as required.

6       (2) Staff members shall:

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

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

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

13       **10-120. Engrossing and enrolling staff -- duties.** (1) The  
14 Legislative Council shall hire all engrossing and enrolling staff.

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

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

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

26       (i) errors in spelling;

1 (ii) errors in numbering sections;

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

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

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

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

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

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

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

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

18 (4) If a committee is the sponsor of a bill or resolution,  
19 any committee member designated by the chair may be the principal  
20 sponsor for the purpose of this section. If a committee has  
21 proposed an amendment, the chair is the principal sponsor for the  
22 purpose of this section.

23 **10-130. Bills.** (1) A bill draft request must be sponsored by  
24 a member of the Legislature.

25 (2) A bill must be:

26 (a) printed on paper with numbered lines;

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

2 (c) introduced in duplicate, with an additional title page;

3 and

4 (d) for the original copy, covered with a cover page of a  
5 substantial material.

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

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

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

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

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

26 **10-150. Recording and publication of voting.** (1) Every vote

.1 of each member on each substantive question in the Legislature, in  
2 any committee, or in Committee of the Whole must be recorded and  
3 made public. On final passage of any bill or joint resolution, the  
4 vote must be taken by ayes and noes and the names entered on the  
5 journal.

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

9 (a) amend;

10 (b) recommend passage or nonpassage;

11 (c) recommend concurrence or nonconcurrence; or

12 (d) indefinitely postpone.

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

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

22 **10-160. Journal.** Each house shall:

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

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

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

2           **10-170. Journals -- authentication -- distribution.** (1) The  
3   journal of the Senate must be authenticated by the signature of the  
4   President and the journal of the House of Representatives by the  
5   signature of the Speaker.

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

8                               CHAPTER 30

9                               Committees

10          **30-10. Committee chair.** Except as provided in Joint Rule  
11   30-50, the chair of the Senate committee is the chair of all joint  
12   committees.

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

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

22          **30-30. Conference committees.** (1) If either house requests a  
23   conference and appoints a committee for the purpose of discussing  
24   an amendment on which the two houses cannot agree, the other house  
25   shall appoint a committee for the same purpose. The time and place  
26   of all conference committee meetings must be agreed upon by their

1 chairs and announced from the rostrum. This announcement is in  
2 order at any time. Failure to make this announcement does not  
3 affect the validity of the legislation being considered.

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

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

10 (b) further amendment of the disputed amendment.

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

15 **30-40. Conference committee -- enrolling.** A conference  
16 committee report shall give clerical instructions for a corrected  
17 reference bill and for enrolling by referring to the reference bill  
18 version.

19 **30-50. Committee consideration of appropriation bills.** (1)  
20 All bills providing for an appropriation of public money may first  
21 be considered by a joint committee composed of the members of the  
22 Senate Committee on Finance and Claims and the House Committee on  
23 Appropriations, and then by each separately.

24 (2) Meetings of the joint committee must be held upon call of  
25 the chair of the House Committee on Appropriations, who is chair of  
26 the joint committee.



1           **30-60. Estimation of revenue.** (1) The Revenue Oversight  
2 Committee shall introduce a House joint resolution for the purpose  
3 of estimating revenue that may be available for appropriation by  
4 the Legislature.

5           (2) Meetings of the Revenue Oversight Committee for purposes  
6 of estimating revenue must be held upon the call of the chair. The  
7 Revenue Oversight Committee shall issue periodic reports to each of  
8 the houses, indicating the committee's current revenue projections.

9           **30-70. Oversight of joint legislative agencies and**  
10 **committees.** The President of the Senate, the Speaker of the House,  
11 and the minority leaders of the Senate and the House comprise a  
12 legislative management committee which shall meet from time to time  
13 at the request of one of its members to review and oversee the  
14 activities of joint agencies and committees of the legislative  
15 branch established by law or resolution. The committee may  
16 consider, without limitation, matters concerning jurisdictional  
17 disputes between joint agencies and committees, agency salary  
18 schedules and employment policies, and any other matter bearing  
19 upon the efficient operation of the legislative branch. The  
20 committee may make such recommendations as it chooses to the  
21 appropriate authority or the Legislature.

22                           CHAPTER 40

23                           Legislation

24           **40-10. Amendment to state constitution.** A bill must be used  
25 to propose an amendment to The Constitution of the State of  
26 Montana. The bill is not subject to the veto of the Governor

1 (Montana Constitution, Art. VI, Sec. 10(1)).

2 **40-20. Appropriation bills.** (1) All appropriation bills must  
3 originate in the House of Representatives.

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

7 **40-30. Effective dates.** (1) Every statute, except one that  
8 provides for appropriation by the Legislature of public funds for  
9 a public purpose, takes effect on October 1 following its passage  
10 and approval, unless a different time is prescribed therein.

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

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

17 **40-40. Bill requests and introduction -- limits and**  
18 **procedures.** (1) Prior to a regular session, a person entitled to  
19 serve in that session, hereafter referred to as a "member", is  
20 entitled to request bill drafting services from the Legislative  
21 Council, subject to the following limits:

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

26 (b) After 5 p.m. on December 5, a member may request no more

1     than seven bills or resolutions to be prepared by the Legislative  
2     Council. At least two of the seven bills or resolutions must be  
3     requested before the regular session convenes.

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

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

9           (i) Code Commissioner bills;

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

11     and

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

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

22          (3) During a session, a bill may be introduced by endorsing  
23     it with the name of a member and presenting it in duplicate to the  
24     Chief Clerk of the House of Representatives or the Secretary of the  
25     Senate. Bills or joint resolutions may be sponsored jointly by  
26     Senate and House members. A jointly sponsored bill must be

1 introduced in the house in which the member whose name appears  
2 first on the bill is a member. The chief joint sponsor's name must  
3 appear immediately to the right of the first sponsor's name. In  
4 each session of the Legislature, bills, joint resolutions, and  
5 simple resolutions must be numbered consecutively in separate  
6 series in the order of their receipt.

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

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

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

24 **40-50. Schedules for drafting requests and bill introduction.**

25 The following schedules must be followed for submission of drafting  
26 requests and introduction of bills and resolutions.

1		Request	Introduction
2		Deadline	Deadline
3		5:00 P.M.	5:00 P.M.
4		Legislative	Legislative
5		Day	Day
6		<hr/>	<hr/>
7	● General Bills and Resolutions	10	14
8	● Revenue Bills	17	21
9	● Committee Bills and Resolutions	36	40
10	● Committee Revenue Bills	62	66
11	● Committee Bills implementing	75	78
12	provisions of a general		
13	appropriation act		
14	● Bills and Resolutions delivered after the applicable introduction		
15	deadline must be introduced within 2 legislative days after		
16	delivery.		
17	● Appropriation Bills	No	No
18		Deadline	Deadline
19	● Interim study resolutions	No	No
20		Deadline	Deadline
21	● Resolutions to express	No	No
22	confirmation of appointments	Deadline	Deadline
23	● Bills repealing or directing	No	No
24	the amendment or adoption of	Deadline	Deadline
25	administrative rules and joint		
26	resolutions advising or		

1 requesting the repeal,  
2 amendment, or adoption of  
3 administrative rules

4 **40-60. Joint resolutions.** (1) A joint resolution must be  
5 adopted by both houses and is not approved by the Governor. It may  
6 be used to:

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

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

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

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

13 (e) approve construction of a state building under section  
14 18-2-102 or 20-25-302, MCA;

15 (f) deal with disasters and emergencies under Title 10,  
16 specifically as provided in sections 10-3-302(3), 10-3-303(3),  
17 10-3-303(4), and 10-3-505(5), MCA;

18 (g) submit a negotiated settlement under section  
19 39-31-305(3), MCA;

20 (h) declare or terminate an energy emergency under section  
21 90-4-310, MCA;

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

24 (j) advise or request the repeal, amendment, or adoption of  
25 a rule in the Administrative Rules of Montana.

26 (2) Except as otherwise provided in these rules or The

1 Constitution of the State of Montana, a joint resolution is treated  
2 in all respects as a bill.

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

6 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not  
7 be introduced or received in a house after that house, during that  
8 session, has finally rejected a bill designed to accomplish the  
9 same purpose, except with the approval of the Rules Committee of  
10 the house in which the bill is offered for introduction or  
11 reception.

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

14 **40-80. Reproduction of full statute required.** A statute may  
15 not be amended or its provisions extended by reference to its title  
16 only, but the statute section that is amended or extended must be  
17 reproduced or published at length.

18 **40-90. Bills -- original purpose.** A law may not be passed  
19 except by bill. A bill may not be so altered or amended on its  
20 passage through either house as to change its original purpose  
21 (Montana Constitution, Art. V, Sec. 11(1)).

22 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4,  
23 part 2, MCA, all bills reported out of a committee of the  
24 Legislature having an effect on the revenues, expenditures, or  
25 fiscal liability of the state, except appropriation measures  
26 carrying specific dollar amounts, must include a fiscal note

1 incorporating an estimate of the fiscal effect. The Legislative  
2 Council staff shall indicate at the top of each bill prepared for  
3 introduction that a fiscal note may be necessary under this rule.  
4 Fiscal notes must be requested by the presiding officer of either  
5 house, who, at the time of introduction, shall determine the need  
6 for the note, based on the Legislative Council staff  
7 recommendation.

8 (2) Unless the requesting member directs otherwise, the  
9 Legislative Council shall deliver three copies of any bill for  
10 which it has been determined a fiscal note may be necessary to the  
11 state Budget Director immediately after the bill has been prepared  
12 for introduction and delivered to the requesting member. The Budget  
13 Director may proceed with the preparation of a fiscal note in  
14 anticipation of a subsequent formal request.

15 (3) The Budget Director, in cooperation with the agency or  
16 agencies affected by the bill, is responsible for the preparation  
17 of the fiscal note. The Budget Director shall return the fiscal  
18 note within 6 days unless further time is granted by the presiding  
19 officer or committee making the request, based upon a written  
20 statement from the Budget Director that additional time is  
21 necessary to properly prepare the note.

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

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



1           (a) the estimated increase or decrease in revenues or  
2 expenditures;

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

4           (c) long-range financial implications.

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

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

10          (a) a committee considering the bill;

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

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

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

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

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

24           (3) Upon receipt of the completed sponsor's fiscal note, the  
25 presiding officer shall refer it to the committee hearing the bill.  
26 If the bill is printed, the note must be identified as a sponsor's

11 fiscal note, reproduced, and placed on the members' desks.

2 (4) The Legislative Council shall provide forms for  
3 preparation of sponsors' fiscal notes and shall print the completed  
4 sponsors' fiscal notes on a different color paper than the fiscal  
5 notes prepared by the Budget Director.

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

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

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

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

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

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

5       **40-150. Engrossing.** (1) When a bill has been reported  
6 favorably by Committee of the Whole of the house in which it  
7 originated and the report has been adopted, the bill must be  
8 engrossed. Committee of the Whole amendments must be included in  
9 the engrossed bill. The bill must be placed on the calendar for  
10 third reading on the succeeding legislative day.

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

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

25       **40-160. Enrolling.** (1) When a bill has passed both houses, it  
26 must be enrolled. An original and two duplicate printed copies of

1 the bill must be enrolled, free from all errors, with a margin of  
2 two inches at the top and one inch on each side. In sections  
3 amending existing statutes, new matter must be underlined and  
4 deleted matter must be shown as stricken. The history of the bill  
5 also must be enrolled and placed with the bill in a white  
6 manuscript cover, upon which is written the number of the bill and  
7 the title. The Legislative Council staff shall file a copy of the  
8 history with the law library.

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

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

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

26 (a) enrolled;

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

3 (c) signed by the presiding officers; and

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

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

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

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

18 **40-170. Amendment by second house.** (1) Amendments to a bill  
19 by the second house may not be further amended by the house in  
20 which the bill originated, but must be either accepted or rejected.  
21 If the amendments are rejected, a conference committee may be  
22 requested by the house in which the bill originated. If the  
23 amendments are accepted and the bill is of a type requiring more  
24 than a majority vote for passage, the bill again must be placed on  
25 third reading in the house of origin.

26 (2) The vote on third reading after concurrence in amendments

1 is the vote of the house of origin that must be used to determine  
2 if the required number of votes has been cast.

3 **40-180. Final action on a bill.** When a bill being heard by  
4 the second house has received its third reading or has been  
5 rejected, the second house must transmit it as soon as possible to  
6 the original house with notice of the second house's action.

7 **40-190. Transmittal of bills between houses.** (1) Each house  
8 shall transmit to the other with any bill all relevant papers.

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

14 **40-200. Transmittal deadlines.** (1) (a) A bill or amendment  
15 transmitted after the deadline established in this subsection (1)  
16 may be considered by the receiving house only upon approval of  
17 two-thirds of its members present and voting. If the receiving  
18 house does not so vote, the bill or amendment must be held pending  
19 in the house to which it was transmitted.

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

24 (ii) Amendments, except to appropriation bills and revenue  
25 bills, must be transmitted from one house to the other on or before  
26 the 73rd legislative day.

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

3           (ii) House amendments to Senate revenue bills must be  
4 transmitted by the House to the Senate on or before the 82nd  
5 legislative day.

6           (iii) Revenue bills originating in the House must be  
7 transmitted to the Senate on or before the 71st legislative day.

8           (iv) Senate amendments to House revenue bills must be  
9 transmitted by the Senate to the House on or before the 82nd  
10 legislative day.

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

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

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

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

22          (b) Amendments to the resolutions must be transmitted to the  
23 house of origin no later than the 82nd legislative day.

24          (3) Interim study resolutions, bills repealing or directing  
25 the amendment or adoption of administrative rules, and joint  
26 resolutions advising or requesting the repeal, amendment, or

1 adoption of administrative rules may be transmitted at any time  
2 during a session.

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

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

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

10 (c) resolutions; and

11 (d) referendum measures of the Legislature.

12 (2) If the Governor does not sign or veto the bill within 5  
13 days after its delivery if the Legislature is in session or within  
14 25 days if the Legislature is adjourned, the bill becomes law.

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

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

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

25 (6) The Governor may veto items in appropriation bills, and  
26 in these instances the procedure must be the same as upon veto of



1 an entire bill (Montana Constitution, Art. VI, Sec. 10).

2 **40-220. Response to Governor's veto.** (1) When the presiding  
3 officer receives a veto message, the presiding officer shall read  
4 it to the members over the rostrum. After the reading, a member may  
5 move that the Governor's veto be overridden.

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

10 **40-230. Governor's recommendations for amendment.** (1) The  
11 Governor may return any bill to the Legislature with  
12 recommendations for amendment.

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

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

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

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

26 (b) If both houses approve the Governor's recommendations,

1 the bill must be returned to the Governor for reconsideration.

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

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

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

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

## 14 CHAPTER 60

### 15 Rules

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

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

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

1 other house for informational purposes.

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

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

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

9 **60-20. Reference to Mason's Manual.** Mason's Manual of  
10 Legislative Procedure (1989) governs the proceedings of the Senate  
11 and the House of Representatives in all cases not covered by these  
12 rules.

13 **60-30. Publication and distribution of joint rules.** (1) The  
14 Legislative Council shall codify and publish in one volume:

15 (a) the rules of the Senate;

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

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

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

## 22 CHAPTER 70

### 23 Statement of Legislative Intent

24 **70-10. Definition.** (1) For the purpose of compliance with the  
25 Legislative History Act (Title 5, chapter 4, part 4, MCA), a  
26 statement of legislative intent regarding a bill must express the

1 common understanding of those components of the Legislature voting  
2 on the bill.

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

9 **70-20. Limitation.** A statement of intent may not accompany  
10 any bill that does not statutorily require one unless a committee  
11 (standing committee, Committee of the Whole or conference  
12 committee) agrees by a two-thirds vote to attach the statement.

13 **70-30. Statement of intent to accompany bill -- when -- how.**  
14 A statement of intent must accompany a bill as follows:

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

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

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

25 **70-40. Modification.** Any committee considering a bill may  
26 recommend amendment of a previous statement of intent or recommend

1 inclusion of a statement of intent. The statement of intent must be  
2 reflected in the history of the bill.

3 **70-50. Conference committee on statement of intent only. (1)**

4 If the second house concurs in a bill without amendments but amends  
5 or supersedes a previous statement of intent, the bill may not be  
6 enrolled until both houses have agreed on a statement of intent. If  
7 the statement of intent is attached to a bill that does not  
8 statutorily require one, the conference committee can delete the  
9 statement in its entirety.

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

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

15

-END-

1  
2                   SENATE JOINT RESOLUTION NO. 9

3                   INTRODUCED BY JERGESON, GRINDE

4                   BY REQUEST OF THE JOINT RULES COMMITTEE  
56       A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
7       OF THE STATE OF MONTANA ADOPTING JOINT RULES TO GOVERN THEIR  
8       PROCEEDINGS.  
910      NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF  
11      REPRESENTATIVES OF THE STATE OF MONTANA:

12           That the following joint rules be adopted:

## 13                   JOINT RULES OF THE MONTANA

## 14                   SENATE AND HOUSE OF REPRESENTATIVES

## 15                   CHAPTER 10

## 16                   Administration

17           10-10.   **Time of meeting.** Each house may order its time of  
18      meeting.19           10-20.   **Legislative day -- duration.** (1) If either house is in  
20      session on a given day, that day constitutes a legislative day.21           (2)   A legislative day for a house ends either 24 hours after  
22      that house convenes for the day or at the time the house convenes  
23      for the following legislative day, whichever is earlier.24           10-30.   **Schedules.** The presiding officer of each house shall  
25      coordinate its schedule to accommodate the workload of the other  
26      house.

1           **10-40. Adjournment -- recess -- meeting place.** A house may  
2 not, without the consent of the other, adjourn or recess for more  
3 than 3 days or to any place other than that in which the two houses  
4 are sitting (Montana Constitution, Art. V, Sec. 10(5)).

5           **10-50. Access of press.** Subject to the presiding officer's  
6 discretion on issues of decorum and order, an accredited press  
7 representative may not be prohibited from photographing,  
8 televising, or recording a legislative meeting or hearing.

9           **10-60. Conflict of interest.** A member who has a personal or  
10 private interest in any measure or bill proposed or pending before  
11 the Legislature shall disclose the fact to the house to which the  
12 member belongs.

13           **10-70. Telephone calls.** (1) Long distance telephone calls  
14 made by a member while the Legislature is in session or the member  
15 is in travel status are considered official legislative business.  
16 These include, but are not limited to, calls made to  
17 constituencies, places of business, and family members.

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

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

26           **10-80. Joint employees.** The presiding officers of each house,

1 acting together, shall:

2 (1) hire joint employees; and

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

6 **10-85. Harassment prohibited.** Legislators and legislative  
7 employees have the right to work free of harassment on account of  
8 race, color, sex, culture, social origin or condition, or religious  
9 ideas when performing services in furtherance of legislative  
10 responsibilities, whether the offender be employer, employee,  
11 legislator, lobbyist, or member of the public. A violation of this  
12 policy must be reported to the PARTY LEADER IN THE APPROPRIATE  
13 HOUSE IF THE OFFENDED PARTY IS A LEGISLATOR OR TO THE presiding  
14 officer or IF THE OFFENDED PARTY IS THE PARTY LEADER. THE  
15 PRESIDING OFFICER MAY REFER THE MATTER TO the rules committee of  
16 the applicable house, and THE OFFENDER is subject to discipline or  
17 censure, as appropriate. IF THE OFFENDED PARTY IS AN EMPLOYEE, THE  
18 VIOLATION MUST BE REPORTED TO THE EMPLOYEE'S SUPERVISOR OR, IF THE  
19 OFFENDER IS THE SUPERVISOR, THE REPORT SHOULD BE MADE TO THE CHIEF  
20 CLERK OF THE HOUSE OF REPRESENTATIVES OR TO THE SECRETARY OF THE  
21 SENATE, AS APPROPRIATE. IF THE OFFENDED PARTY IS A SUPERVISOR, THE  
22 VIOLATION MUST BE REPORTED TO THE CHIEF CLERK OF THE HOUSE OF  
23 REPRESENTATIVES OR TO THE SECRETARY OF THE SENATE, AS APPROPRIATE.  
24 THE CHIEF CLERK OR THE SECRETARY SHALL REPORT THE VIOLATION TO THE  
25 PRESIDING OFFICER. THE PRESIDING OFFICER MAY REFER THE MATTER TO  
26 THE RULES COMMITTEE. IF THE OFFENDER IS AN EMPLOYEE, THE EMPLOYEE



1 IS SUBJECT TO DISCIPLINE OR DISCHARGE.

2       **10-90. Legislative interns.** Qualifications for legislative  
3 interns are specified in Title 5, chapter 6, MCA.

4       **10-100. Legislative Council.** (1) The staff of the Legislative  
5 Council shall serve both houses as required.

6       (2) Staff members shall:

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

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

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

13       **10-120. Engrossing and enrolling staff -- duties.** (1) The  
14 Legislative Council shall hire all engrossing and enrolling staff.

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

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

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

26       (i) errors in spelling;

1           (ii) errors in numbering sections;  
2           (iii) additions or deletions of underlining or lines through  
3 matter to be stricken;  
4           (iv) material copied incorrectly from the Montana Code  
5 Annotated;  
6           (v) errors in outlining or in internal references;  
7           (vi) an error in a title caused by an amendment;  
8           (vii) an error in a catchline caused by an amendment;  
9           (viii) errors in references to the Montana Code Annotated; and  
10           (ix) other nonconformities of an amendment with Bill Drafting  
11 Manual form.

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

18           (4) If a committee is the sponsor of a bill or resolution,  
19 any committee member designated by the chair may be the principal  
20 sponsor for the purpose of this section. If a committee has  
21 proposed an amendment, the chair is the principal sponsor for the  
22 purpose of this section.

23           **10-130. Bills.** (1) A bill draft request must be sponsored by  
24 a member of the Legislature.

25           (2) A bill must be:

26           (a) printed on paper with numbered lines;

- 1 (b) numbered at the foot of each page (except page 1);  
2 (c) introduced in duplicate, with an additional title page;  
3 and  
4 (d) for the original copy, covered with a cover page of a  
5 substantial material.
- 6 (3) In a section amending an existing statute, matter to be  
7 stricken out must be indicated with a line through the words or  
8 part to be deleted, and new matter must be underlined.
- 9 (4) Sections of the Montana Code Annotated repealed or  
10 amended in a bill must be stated in the title, except in general  
11 appropriation bills and bills for the codification and general  
12 revision of the laws.
- 13 (5) Introduced bills must be reproduced on white paper and  
14 distributed to members.

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

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

26 **10-150. Recording and publication of voting.** (1) Every vote

1 of each member on each substantive question in the Legislature, in  
2 any committee, or in Committee of the Whole must be recorded and  
3 made public. On final passage of any bill or joint resolution, the  
4 vote must be taken by ayes and noes and the names entered on the  
5 journal.

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

9 (a) amend;

10 (b) recommend passage or nonpassage;

11 (c) recommend concurrence or nonconcurrence; or

12 (d) indefinitely postpone.

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

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

22 **10-160. Journal.** Each house shall:

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

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

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

2           **10-170. Journals -- authentication -- distribution.** (1) The  
3 journal of the Senate must be authenticated by the signature of the  
4 President and the journal of the House of Representatives by the  
5 signature of the Speaker.

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

8                               CHAPTER 30

9                               Committees

10          **30-10. Committee chair.** Except as provided in Joint Rule  
11 30-50, the chair of the Senate committee is the chair of all joint  
12 committees.

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

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

22          **30-30. Conference committees.** (1) If either house requests a  
23 conference and appoints a committee for the purpose of discussing  
24 an amendment on which the two houses cannot agree, the other house  
25 shall appoint a committee for the same purpose. The time and place  
26 of all conference committee meetings must be agreed upon by their

1 chairs and announced from the rostrum. This announcement is in  
2 order at any time. Failure to make this announcement does not  
3 affect the validity of the legislation being considered.

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

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

10 (b) further amendment of the disputed amendment.

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

15 **30-40. Conference committee -- enrolling.** A conference  
16 committee report shall give clerical instructions for a corrected  
17 reference bill and for enrolling by referring to the reference bill  
18 version.

19 **30-50. Committee consideration of appropriation bills.** (1)  
20 All bills providing for an appropriation of public money may first  
21 be considered by a joint committee composed of the members of the  
22 Senate Committee on Finance and Claims and the House Committee on  
23 Appropriations, and then by each separately.

24 (2) Meetings of the joint committee must be held upon call of  
25 the chair of the House Committee on Appropriations, who is chair of  
26 the joint committee.

1           **30-60. Estimation of revenue.** (1) The Revenue Oversight  
2 Committee shall introduce a House joint resolution for the purpose  
3 of estimating revenue that may be available for appropriation by  
4 the Legislature.

5           (2) Meetings of the Revenue Oversight Committee for purposes  
6 of estimating revenue must be held upon the call of the chair. The  
7 Revenue Oversight Committee shall issue periodic reports to each of  
8 the houses, indicating the committee's current revenue projections.

9           **30-70. Oversight of joint legislative agencies and**  
10 **committees.** The President of the Senate, the Speaker of the House,  
11 and the minority leaders of the Senate and the House comprise a  
12 legislative management committee which shall meet from time to time  
13 at the request of one of its members to review and oversee the  
14 activities of joint agencies and committees of the legislative  
15 branch established by law or resolution. The committee may  
16 consider, without limitation, matters concerning jurisdictional  
17 disputes between joint agencies and committees, agency salary  
18 schedules and employment policies, and any other matter bearing  
19 upon the efficient operation of the legislative branch. The  
20 committee may make such recommendations as it chooses to the  
21 appropriate authority or the Legislature.

22                               CHAPTER 40

23                               Legislation

24           **40-10. Amendment to state constitution.** A bill must be used  
25 to propose an amendment to The Constitution of the State of  
26 Montana. The bill is not subject to the veto of the Governor

1 (Montana Constitution, Art. VI, Sec. 10(1)).

2 **40-20. Appropriation bills.** (1) All appropriation bills must  
3 originate in the House of Representatives.

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

7 **40-30. Effective dates.** (1) Every statute, except one that  
8 provides for appropriation by the Legislature of public funds for  
9 a public purpose, takes effect on October 1 following its passage  
10 and approval, unless a different time is prescribed therein.

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

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

17 **40-40. Bill requests and introduction -- limits and**  
18 **procedures.** (1) Prior to a regular session, a person entitled to  
19 serve in that session, hereafter referred to as a "member", is  
20 entitled to request bill drafting services from the Legislative  
21 Council, subject to the following limits:

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

26 (b) After 5 p.m. on December 5, a member may request no more



1 than seven bills or resolutions to be prepared by the Legislative  
2 Council. At least two of the seven bills or resolutions must be  
3 requested before the regular session convenes.

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

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

9 (i) Code Commissioner bills;

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

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

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

22 (3) During a session, a bill may be introduced by endorsing  
23 it with the name of a member and presenting it in duplicate to the  
24 Chief Clerk of the House of Representatives or the Secretary of the  
25 Senate. Bills or joint resolutions may be sponsored jointly by  
26 Senate and House members. A jointly sponsored bill must be

1 introduced in the house in which the member whose name appears  
2 first on the bill is a member. The chief joint sponsor's name must  
3 appear immediately to the right of the first sponsor's name. In  
4 each session of the Legislature, bills, joint resolutions, and  
5 simple resolutions must be numbered consecutively in separate  
6 series in the order of their receipt.

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

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

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

24 **40-50. Schedules for drafting requests and bill introduction.**

25 The following schedules must be followed for submission of drafting  
26 requests and introduction of bills and resolutions.

1		Request	Introduction
2		Deadline	Deadline
3		5:00 P.M.	5:00 P.M.
4		Legislative	Legislative
5		Day	Day
6		<hr/>	<hr/>
7	● General Bills and Resolutions	10	14
8	● Revenue Bills	17	21
9	● Committee Bills and Resolutions	36	40
10	● Committee Revenue Bills	62	66
11	● Committee Bills implementing	75	78
12	provisions of a general		
13	appropriation act		
14	● Bills and Resolutions delivered after the applicable introduction		
15	deadline must be introduced within 2 legislative days after		
16	delivery.		
17	● Appropriation Bills	No	No
18		Deadline	Deadline
19	● Interim study resolutions	No	No
20		Deadline	Deadline
21	● Resolutions to express	No	No
22	confirmation of appointments	Deadline	Deadline
23	● Bills repealing or directing	No	No
24	the amendment or adoption of	Deadline	Deadline
25	administrative rules and joint		
26	resolutions advising or		

1 requesting the repeal,  
2 amendment, or adoption of  
3 administrative rules

4       **40-60. Joint resolutions.** (1) A joint resolution must be  
5 adopted by both houses and is not approved by the Governor. It may  
6 be used to:

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

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

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

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

13       (e) approve construction of a state building under section  
14 18-2-102 or 20-25-302, MCA;

15       (f) deal with disasters and emergencies under Title 10,  
16 specifically as provided in sections 10-3-302(3), 10-3-303(3),  
17 10-3-303(4), and 10-3-505(5), MCA;

18       (g) submit a negotiated settlement under section  
19 39-31-305(3), MCA;

20       (h) declare or terminate an energy emergency under section  
21 90-4-310, MCA;

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

24       (j) advise or request the repeal, amendment, or adoption of  
25 a rule in the Administrative Rules of Montana.

26       (2) Except as otherwise provided in these rules or The

1 Constitution of the State of Montana, a joint resolution is treated  
2 in all respects as a bill.

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

6 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not  
7 be introduced or received in a house after that house, during that  
8 session, has finally rejected a bill designed to accomplish the  
9 same purpose, except with the approval of the Rules Committee of  
10 the house in which the bill is offered for introduction or  
11 reception.

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

14 **40-80. Reproduction of full statute required.** A statute may  
15 not be amended or its provisions extended by reference to its title  
16 only, but the statute section that is amended or extended must be  
17 reproduced or published at length.

18 **40-90. Bills -- original purpose.** A law may not be passed  
19 except by bill. A bill may not be so altered or amended on its  
20 passage through either house as to change its original purpose  
21 (Montana Constitution, Art. V, Sec. 11(1)).

22 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4,  
23 part 2, MCA, all bills reported out of a committee of the  
24 Legislature having an effect on the revenues, expenditures, or  
25 fiscal liability of the state, except appropriation measures  
26 carrying specific dollar amounts, must include a fiscal note

1 incorporating an estimate of the fiscal effect. The Legislative  
2 Council staff shall indicate at the top of each bill prepared for  
3 introduction that a fiscal note may be necessary under this rule.  
4 Fiscal notes must be requested by the presiding officer of either  
5 house, who, at the time of introduction, shall determine the need  
6 for the note, based on the Legislative Council staff  
7 recommendation.

8 (2) Unless the requesting member directs otherwise, the  
9 Legislative Council shall deliver three copies of any bill for  
10 which it has been determined a fiscal note may be necessary to the  
11 state Budget Director immediately after the bill has been prepared  
12 for introduction and delivered to the requesting member. The Budget  
13 Director may proceed with the preparation of a fiscal note in  
14 anticipation of a subsequent formal request.

15 (3) The Budget Director, in cooperation with the agency or  
16 agencies affected by the bill, is responsible for the preparation  
17 of the fiscal note. The Budget Director shall return the fiscal  
18 note within 6 days unless further time is granted by the presiding  
19 officer or committee making the request, based upon a written  
20 statement from the Budget Director that additional time is  
21 necessary to properly prepare the note.

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

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

1           (a) the estimated increase or decrease in revenues or  
2 expenditures;

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

4           (c) long-range financial implications.

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

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

10          (a) a committee considering the bill;

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

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

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

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

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

24           (3) Upon receipt of the completed sponsor's fiscal note, the  
25 presiding officer shall refer it to the committee hearing the bill.  
26 If the bill is printed, the note must be identified as a sponsor's

1     fiscal note, reproduced, and placed on the members' desks.

2             (4) The Legislative Council shall provide forms for  
3     preparation of sponsors' fiscal notes and shall print the completed  
4     sponsors' fiscal notes on a different color paper than the fiscal  
5     notes prepared by the Budget Director.

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

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

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

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

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



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

5           **40-150. Engrossing.** (1) When a bill has been reported  
6 favorably by Committee of the Whole of the house in which it  
7 originated and the report has been adopted, the bill must be  
8 engrossed. Committee of the Whole amendments must be included in  
9 the engrossed bill. The bill must be placed on the calendar for  
10 third reading on the succeeding legislative day.

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

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

25           **40-160. Enrolling.** (1) When a bill has passed both houses, it  
26 must be enrolled. An original and two duplicate printed copies of

1 the bill must be enrolled, free from all errors, with a margin of  
2 two inches at the top and one inch on each side. In sections  
3 amending existing statutes, new matter must be underlined and  
4 deleted matter must be shown as stricken. The history of the bill  
5 also must be enrolled and placed with the bill in a white  
6 manuscript cover, upon which is written the number of the bill and  
7 the title. The Legislative Council staff shall file a copy of the  
8 history with the law library.

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

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

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

26 (a) enrolled;

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

3 (c) signed by the presiding officers; and

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

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

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

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

18 **40-170. Amendment by second house.** (1) Amendments to a bill  
19 by the second house may not be further amended by the house in  
20 which the bill originated, but must be either accepted or rejected.  
21 If the amendments are rejected, a conference committee may be  
22 requested by the house in which the bill originated. If the  
23 amendments are accepted and the bill is of a type requiring more  
24 than a majority vote for passage, the bill again must be placed on  
25 third reading in the house of origin.

26 (2) The vote on third reading after concurrence in amendments

1 is the vote of the house of origin that must be used to determine  
2 if the required number of votes has been cast.

3 **40-180. Final action on a bill.** When a bill being heard by  
4 the second house has received its third reading or has been  
5 rejected, the second house must transmit it as soon as possible to  
6 the original house with notice of the second house's action.

7 **40-190. Transmittal of bills between houses.** (1) Each house  
8 shall transmit to the other with any bill all relevant papers.

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

14 **40-200. Transmittal deadlines.** (1) (a) A bill or amendment  
15 transmitted after the deadline established in this subsection (1)  
16 may be considered by the receiving house only upon approval of  
17 two-thirds of its members present and voting. If the receiving  
18 house does not so vote, the bill or amendment must be held pending  
19 in the house to which it was transmitted.

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

24 (ii) Amendments, except to appropriation bills and revenue  
25 bills, must be transmitted from one house to the other on or before  
26 the 73rd legislative day.

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

3           (ii) House amendments to Senate revenue bills must be  
4 transmitted by the House to the Senate on or before the 82nd  
5 legislative day.

6           (iii) Revenue bills originating in the House must be  
7 transmitted to the Senate on or before the 71st legislative day.

8           (iv) Senate amendments to House revenue bills must be  
9 transmitted by the Senate to the House on or before the 82nd  
10 legislative day.

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

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

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

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

22          (b) Amendments to the resolutions must be transmitted to the  
23 house of origin no later than the 82nd legislative day.

24          (3) Interim study resolutions, bills repealing or directing  
25 the amendment or adoption of administrative rules, and joint  
26 resolutions advising or requesting the repeal, amendment, or

1 adoption of administrative rules may be transmitted at any time  
2 during a session.

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

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

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

10       (c) resolutions; and

11       (d) referendum measures of the Legislature.

12       (2) If the Governor does not sign or veto the bill within 5  
13 days after its delivery if the Legislature is in session or within  
14 25 days if the Legislature is adjourned, the bill becomes law.

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

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

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

25       (6) The Governor may veto items in appropriation bills, and  
26 in these instances the procedure must be the same as upon veto of

1 an entire bill (Montana Constitution, Art. VI, Sec. 10).

2 **40-220. Response to Governor's veto.** (1) When the presiding  
3 officer receives a veto message, the presiding officer shall read  
4 it to the members over the rostrum. After the reading, a member may  
5 move that the Governor's veto be overridden.

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

10 **40-230. Governor's recommendations for amendment.** (1) The  
11 Governor may return any bill to the Legislature with  
12 recommendations for amendment.

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

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

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

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

26 (b) If both houses approve the Governor's recommendations,

1 the bill must be returned to the Governor for reconsideration.

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

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

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

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

## 14 CHAPTER 60

### 15 Rules

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

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

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



1 other house for informational purposes.

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

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

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

9 **60-20. Reference to Mason's Manual.** Mason's Manual of  
10 Legislative Procedure (1989) governs the proceedings of the Senate  
11 and the House of Representatives in all cases not covered by these  
12 rules.

13 **60-30. Publication and distribution of joint rules.** (1) The  
14 Legislative Council shall codify and publish in one volume:

15 (a) the rules of the Senate;

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

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

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

## 22 CHAPTER 70

### 23 Statement of Legislative Intent

24 **70-10. Definition.** (1) For the purpose of compliance with the  
25 Legislative History Act (Title 5, chapter 4, part 4, MCA), a  
26 statement of legislative intent regarding a bill must express the

1 common understanding of those components of the Legislature voting  
2 on the bill.

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

9 **70-20. Limitation.** A statement of intent may not accompany  
10 any bill that does not statutorily require one unless a committee  
11 (standing committee, Committee of the Whole or conference  
12 committee) agrees by a two-thirds vote to attach the statement.

13 **70-30. Statement of intent to accompany bill -- when -- how.**  
14 A statement of intent must accompany a bill as follows:

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

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

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

25 **70-40. Modification.** Any committee considering a bill may  
26 recommend amendment of a previous statement of intent or recommend

1 inclusion of a statement of intent. The statement of intent must be  
2 reflected in the history of the bill.

3 **70-50. Conference committee on statement of intent only. (1)**

4 If the second house concurs in a bill without amendments but amends  
5 or supersedes a previous statement of intent, the bill may not be  
6 enrolled until both houses have agreed on a statement of intent. If  
7 the statement of intent is attached to a bill that does not  
8 statutorily require one, the conference committee can delete the  
9 statement in its entirety.

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

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

15 -END-