

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

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

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

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

11 (1) hire joint employees; and

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

14 **10-85. Harassment prohibited.** Legislators and legislative employees have the right to work free
15 of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas when
16 performing services in furtherance of legislative responsibilities, whether the offender be employer,
17 employee, legislator, lobbyist, or member of the public. A violation of this policy must be reported to the
18 party leader in the appropriate house if the offended party is a legislator or to the presiding officer if the
19 offended party is the party leader. The presiding officer may refer the matter to the rules committee of the
20 applicable house, and the offender is subject to discipline or censure, as appropriate. If the offended party
21 is an employee, the violation must be reported to the employee's supervisor or, if the offender is the
22 supervisor, the report should be made to the chief clerk of the house of representatives or to the secretary
23 of the senate, as appropriate. If the offended party is a supervisor, the violation must be reported to the
24 chief clerk of the house of representatives or to the secretary of the senate, as appropriate. The chief clerk
25 or the secretary shall report the violation to the presiding officer. The presiding officer may refer the matter
26 to the rules committee. If the offender is an employee, the employee is subject to discipline or discharge.

27 **10-90. Legislative interns.** Qualifications for legislative interns are specified in Title 5, chapter 6,
28 MCA.

29 **10-100. Legislative Council.** (1) The staff of the Legislative Council shall serve both houses as
30 required.

1 (2) Staff members shall:

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

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

5 **10-110. Compensation of legislative employees.** The Legislature by joint resolution shall prescribe
6 the compensation of the employees of each house.

7 **10-120. Engrossing and enrolling staff -- duties.** (1) The Legislative Council shall hire all
8 engrossing and enrolling staff.

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

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

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

17 (i) errors in spelling;

18 (ii) errors in numbering sections;

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

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

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

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

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

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

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

26 (3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the
27 Secretary of the Senate or the Chief Clerk of the House and to the sponsor of the bill or amendment. The
28 sponsor shall sign the clerical form to acknowledge notification of the clerical correction. The signed form
29 must be filed in the office of the amendments coordinator. ~~Any of these~~ A party receiving notice may
30 register an objection to the correction by filing the objection in writing within 24 hours after receipt of the

1 notice.

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

5 **10-130. Bills.** (1) A bill draft request must be sponsored by a member of the Legislature.

6 (2) A bill must be:

7 (a) printed on paper with numbered lines;

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

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

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

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

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

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

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

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

23 **10-150. Recording and publication of voting.** (1) Every vote of each member on each substantive
24 question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made
25 public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the
26 names entered on the journal.

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

29 (a) amend;

30 (b) recommend passage or nonpassage;

1 (c) recommend concurrence or nonconcurrence; or

2 (d) indefinitely postpone.

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

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

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

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

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

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

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

17 (2) The Legislative Council shall ~~distribute~~ make the completed journals available to the public
18 (sections 5-11-201 through 5-11-203, MCA).

19 CHAPTER 30

20 Committees

21 **30-10. Committee chair.** Except as provided in Joint Rule 30-50, the chair of the Senate
22 committee is the chair of all joint committees.

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

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

29 **30-30. Conference committees.** (1) If either house requests a conference and appoints a
30 committee for the purpose of discussing an amendment on which the two houses cannot agree, the other

1 house shall appoint a committee for the same purpose. The time and place of all conference committee
 2 meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in
 3 order at any time. Failure to make this announcement does not affect the validity of the legislation being
 4 considered.

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

- 8 (a) acceptance or rejection of each disputed amendment in its entirety; or
- 9 (b) further amendment of the disputed amendment.

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

13 **30-40. Conference committee -- enrolling.** A conference committee report shall give clerical
 14 instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

15 **30-50. Committee consideration of appropriation bills.** (1) All bills providing for an appropriation
 16 of public money may first be considered by a joint committee composed of the members of the Senate
 17 Committee on Finance and Claims and the House Committee on Appropriations, and then by each
 18 separately.

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

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

- 23 (a) either house has fewer members on the joint subcommittees;
- 24 (b) the chair represents the house with fewer members on the subcommittees; and
- 25 (c) the chair is present for the vote.

26 **30-60. Estimation of revenue.** ~~(1)~~ The Revenue Oversight Committee shall introduce a House joint
 27 resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

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

1 request an unlimited number of bills and resolutions to be prepared by the Legislative Council for
2 introduction in the regular session.

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

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

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

9 (i) Code Commissioner bills;

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

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

13 (2) The staff of the Legislative Council shall work on bill draft requests in the order received. After
14 a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of
15 that member must receive a lower drafting priority than all other bills of members not in excess of five per
16 member. The staff of the Legislative Council shall assign a higher priority to any bill draft request when
17 jointly directed by:

18 (a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and
19 the minority leader of the House; or

20 (b) the House and the Senate.

21 ~~(2)~~(3) Bills and resolutions must be reviewed by the staff of the Legislative Council prior to
22 introduction for proper format, style, and legal form. The staff of the Legislative Council shall store bills
23 on the automated bill drafting equipment and shall print and deliver them in duplicate to the requesting
24 members. The original bill cover must be signed to indicate review by the Legislative Council. A bill may
25 not be introduced unless it is so signed.

26 ~~(3)~~(4) During a session, a bill may be introduced by endorsing it with the name of a member and
27 presenting it in duplicate to the Chief Clerk of the House of Representatives or the Secretary of the Senate.
28 Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill
29 must be introduced in the house in which the member whose name appears first on the bill is a member.
30 The chief joint sponsor's name must appear immediately to the right of the first sponsor's name. In each

1 session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively
 2 in separate series in the order of their receipt.

3 ~~(4)~~(5) Any bill proposed by a legislative committee or introduced by request of an administrative
 4 or executive agency or department must be so indicated by placing after the names of the sponsors the
 5 phrase "By Request of the (Name of committee or agency)". A bill draft request submitted at the
 6 request of an agency or committee prior to December 23 must be requested by an individual member by
 7 December 23 or the request is placed on hold. After December 23, an agency or committee bill must be
 8 requested by an individual member.

9 ~~(5)~~(6) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the
 10 staff of the Legislative Council. Actual signatures of persons entitled to serve as members in the ensuing
 11 session may appear on the face of the preintroduced bill, or signatures may be obtained on a consent form
 12 from the Legislative Council and the sponsor's name printed on the bill. Additional sponsors may be added
 13 on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names
 14 will be forwarded to the Legislative Council to be included on the face of the bill following standing
 15 committee approval.

16 ~~(6)~~(7) All preintroduced bills must be made available to the public.

17 **40-50. Schedules for drafting requests and bill introduction.** The following schedules must be
 18 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 |
| | ----- | ----- |
| 25 ● General Bills and Resolutions | 10 | 14 |
| 26 ● Revenue Bills | 17 | 21 |
| 27 ● Committee Bills and Resolutions | 36 | 40 |
| 28 ● Committee Revenue Bills | 62 | 66 |
| 29 ● Committee Bills implementing | 75 | 78 |
| 30 provisions of a general | | |

1 appropriation act

2 • Bills and Resolutions delivered after the applicable introduction deadline must be introduced within 2
3 legislative days after delivery.

| | | |
|-------------------------|----------|----------|
| 4 • Appropriation Bills | No | No |
| | Deadline | Deadline |

| | | |
|-------------------------------|----------|----------|
| 6 • Interim study resolutions | No | No |
| | Deadline | Deadline |

| | | |
|--------------------------------|----------|----------|
| 8 • Resolutions to express | No | No |
| 9 confirmation of appointments | Deadline | Deadline |

| | | |
|-----------------------------------|----------|----------|
| 10 • Bills repealing or directing | No | No |
| 11 the amendment or adoption of | Deadline | Deadline |

12 administrative rules and joint
13 resolutions advising or
14 requesting the repeal,
15 amendment, or adoption of
16 administrative rules

17 **40-60. Joint resolutions.** (1) A joint resolution must be adopted by both houses and is not
18 approved by the Governor. It may be used to:

- 19 (a) express desire, opinion, sympathy, or request of the Legislature;
- 20 (b) request an interim study by a legislative subcommittee;
- 21 (c) adopt, amend, or repeal the joint rules;
- 22 (d) set salaries and other terms of employment for legislative employees;
- 23 (e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;
- 24 (f) deal with disasters and emergencies under Title 10, specifically as provided in sections
25 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;
- 26 (g) submit a negotiated settlement under section 39-31-305(3), MCA;
- 27 (h) declare or terminate an energy emergency under section 90-4-310, MCA;
- 28 (i) ratify or propose amendments to the United States Constitution; or

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

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

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

5 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not be introduced or received in a house
6 after that house, during that session, has finally rejected a bill designed to accomplish the same purpose,
7 except with the approval of the Rules Committee of the house in which the bill is offered for introduction
8 or reception.

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

10 **40-80. Reproduction of full statute required.** A statute may not be amended or its provisions
11 extended by reference to its title only, but the statute section that is amended or extended must be
12 reproduced or published at length.

13 **40-90. Bills -- original purpose.** A law may not be passed except by bill. A bill may not be so
14 altered or amended on its passage through either house as to change its original purpose (Montana
15 Constitution, Art. V, Sec. 11(1)).

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

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

28 (3) The Budget Director, in cooperation with the agency or agencies affected by the bill, is
29 responsible for the preparation of the fiscal note. The Budget Director shall return the fiscal note within
30 6 days unless further time is granted by the presiding officer or committee making the request, based upon

1 a written statement from the Budget Director that additional time is necessary to properly prepare the note.

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

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

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

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

8 (c) long-range financial implications.

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

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

12 (a) a committee considering the bill;

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

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

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

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

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

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

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

29 **40-120. Substitute bills.** (1) A committee may recommend that every clause in a bill be changed
30 and that entirely new material be substituted so long as the new material is relevant to the title and subject

1 of the original bill. The substitute bill is considered an amendment and not a new bill.

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

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

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

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

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

16 **40-150. Engrossing.** (1) When a bill has been reported favorably by Committee of the Whole of
17 the house in which it originated and the report has been adopted, the bill must be engrossed. Committee
18 of the Whole amendments must be included in the engrossed bill. The bill must be placed on the calendar
19 for third reading on the succeeding legislative day.

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

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

29 **40-160. Enrolling.** (1) When a bill has passed both houses, it must be enrolled. An original and
30 two duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches

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

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

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

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

15 (a) enrolled;

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

17 (c) signed by the presiding officers; and

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

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

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

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

27 **40-170. Amendment by second house.** (1) Amendments to a bill by the second house may not
28 be further amended by the house in which the bill originated, but must be either accepted or rejected. If
29 the amendments are rejected, a conference committee may be requested by the house in which the bill
30 originated. If the amendments are accepted and the bill is of a type requiring more than a majority vote for

1 passage, the bill again must be placed on third reading in the house of origin.

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

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

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

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

12 **40-200. Transmittal deadlines.** (1) (a) A bill or amendment transmitted after the deadline
13 established in this subsection (1) may be considered by the receiving house only upon approval of
14 two-thirds of its members present and voting. If the receiving house does not so vote, the bill or
15 amendment must be held pending in the house to which it was transmitted.

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

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

20 (c) (i) Revenue bills originating in the Senate must be transmitted to the House on or before the
21 71st legislative day.

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

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

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

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

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

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

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

5 (b) Amendments to the resolutions must be transmitted to the house of origin no later than the
6 82nd legislative day.

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

10 **40-210. Governor's veto.** (1) Each bill passed by the Legislature must be submitted to the
11 Governor for the Governor's signature. This does not apply to:

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

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

14 (c) resolutions; and

15 (d) referendum measures of the Legislature.

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

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

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

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

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

28 **40-220. Response to Governor's veto.** (1) When the presiding officer receives a veto message,
29 the presiding officer shall read it to the members over the rostrum. After the reading, a member may move
30 that the Governor's veto be overridden.

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

4 **40-230. Governor's recommendations for amendment.** (1) The Governor may return any bill to
5 the Legislature with recommendations for amendment.

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

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

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

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

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

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

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

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

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

27 CHAPTER 60

28 Rules

29 **60-10. Suspension of joint rule -- change in rules.** (1) A joint rule may be repealed or amended
30 only with the concurrence of both houses, under the procedures adopted by each house for the repeal or

1 amendment of its own rules.

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

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

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

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

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

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

13 **60-30. Publication and distribution of joint rules.** (1) The Legislative Council shall codify and
14 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 Representatives.

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

20 CHAPTER 70

21 Statement of Legislative Intent

22 **70-10. Definition.** (1) For the purpose of compliance with the Legislative History Act (Title 5,
23 chapter 4, part 4, MCA), a statement of legislative intent regarding a bill must express the common
24 understanding of those components of the Legislature voting on the bill.

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

29 **70-20. Limitation.** A statement of intent may not accompany any bill that does not statutorily
30 require one unless a committee (standing committee, Committee of the Whole or conference committee)

1 agrees by a two-thirds vote to attach the statement.

2 **70-30. Statement of intent to accompany bill -- when -- how.** A statement of intent must
3 accompany a bill as follows:

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

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

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

10 **70-40. Modification.** Any committee considering a bill may recommend amendment of a previous
11 statement of intent or recommend inclusion of a statement of intent. The statement of intent must be
12 reflected in the history of the bill.

13 **70-50. Conference committee on statement of intent only.** (1) If the second house concurs in a
14 bill without amendments but amends or supersedes a previous statement of intent, the bill may not be
15 enrolled until both houses have agreed on a statement of intent. If the statement of intent is attached to
16 a bill that does not statutorily require one, the conference committee can delete the statement in its
17 entirety.

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

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

22 -END-

APPROVED BY COMMITTEE
ON RULES

1 SENATE JOINT RESOLUTION NO. 1

2 INTRODUCED BY HARP, GRINDE

3 BY REQUEST OF THE JOINT RULES COMMITTEE

4

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

7

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

10 That the following Joint Rules be adopted:

11

JOINT RULES OF THE MONTANA

12

SENATE AND HOUSE OF REPRESENTATIVES

13

CHAPTER 10

14

Administration

15

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

16

17

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

18

19

(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.

20

21

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

22

23

24

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)).

25

26

27

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.

28

29

30

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.

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

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

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

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

11 (1) hire joint employees; and

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

14 **10-85. Harassment prohibited.** Legislators and legislative employees have the right to work free
15 of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas when
16 performing services in furtherance of legislative responsibilities, whether the offender be employer,
17 employee, legislator, lobbyist, or member of the public. A violation of this policy must be reported to the
18 party leader in the appropriate house if the offended party is a legislator or to the presiding officer if the
19 offended party is the party leader. The presiding officer may refer the matter to the rules committee of the
20 applicable house, and the offender is subject to discipline or censure, as appropriate. If the offended party
21 is an employee, the violation must be reported to the employee's supervisor or, if the offender is the
22 supervisor, the report should be made to the chief clerk of the house of representatives or to the secretary
23 of the senate, as appropriate. If the offended party is a supervisor, the violation must be reported to the
24 chief clerk of the house of representatives or to the secretary of the senate, as appropriate. The chief clerk
25 or the secretary shall report the violation to the presiding officer. The presiding officer may refer the matter
26 to the rules committee. If the offender is an employee, the employee is subject to discipline or discharge.

27 **10-90. Legislative interns.** Qualifications for legislative interns are specified in Title 5, chapter 6,
28 MCA.

29 **10-100. Legislative Council.** (1) The staff of the Legislative Council shall serve both houses as
30 required.

1 (2) Staff members shall:

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

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

5 **10-110. Compensation of legislative employees.** The Legislature by joint resolution shall prescribe
6 the compensation of the employees of each house.

7 **10-120. Engrossing and enrolling staff -- duties.** (1) The Legislative Council shall hire all
8 engrossing and enrolling staff.

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

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

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

17 (i) errors in spelling;

18 (ii) errors in numbering sections;

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

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

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

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

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

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

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

26 (3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the
27 Secretary of the Senate or the Chief Clerk of the House and to the sponsor of the bill or amendment. The
28 sponsor shall sign the clerical form to acknowledge notification of the clerical correction. The signed form
29 must be filed in the office of the amendments coordinator. Any of these A party receiving notice may
30 register an objection to the correction by filing the objection in writing within 24 hours after receipt of the

1 notice.

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

5 **10-130. Bills.** (1) A bill draft request must be sponsored by a member of the Legislature.

6 (2) A bill must be:

7 (a) printed on paper with numbered lines;

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

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

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

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

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

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

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

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

23 **10-150. Recording and publication of voting.** (1) Every vote of each member on each substantive
24 question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made
25 public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the
26 names entered on the journal.

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

29 (a) amend;

30 (b) recommend passage or nonpassage;

1 (c) recommend concurrence or nonconcurrence; or

2 (d) indefinitely postpone.

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

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

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

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

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

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

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

17 (2) The Legislative Council shall ~~distribute~~ make the completed journals available to the public
18 (sections 5-11-201 through 5-11-203, MCA).

19 CHAPTER 30

20 Committees

21 **30-10. Committee chair.** Except as provided in Joint Rule 30-50, the chair of the Senate
22 committee is the chair of all joint committees.

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

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

29 **30-30. Conference committees.** (1) If either house requests a conference and appoints a
30 committee for the purpose of discussing an amendment on which the two houses cannot agree, the other

1 house shall appoint a committee for the same purpose. The time and place of all conference committee
 2 meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in
 3 order at any time. Failure to make this announcement does not affect the validity of the legislation being
 4 considered.

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

7 The committee may recommend:

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

9 (b) further amendment of the disputed amendment.

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

13 **30-40. Conference committee -- enrolling.** A conference committee report shall give clerical
 14 instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

15 **30-50. Committee consideration of appropriation bills.** (1) All bills providing for an appropriation
 16 of public money may first be considered by a joint committee composed of the members of the Senate
 17 Committee on Finance and Claims and the House Committee on Appropriations, and then by each
 18 separately.

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

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

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

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

25 (c) the chair is present for the vote.

26 **30-60. Estimation of revenue.** ~~(1)~~ The Revenue Oversight Committee shall introduce a House joint
 27 resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

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

1 request an unlimited number of bills and resolutions to be prepared by the Legislative Council for
2 introduction in the regular session.

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

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

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

9 (i) Code Commissioner bills;

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

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

13 (2) The staff of the Legislative Council shall work on bill draft requests in the order received. After
14 a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of
15 that member must receive a lower drafting priority than all other bills of members not in excess of five per
16 member. The staff of the Legislative Council shall assign a higher priority to any bill draft request when
17 jointly directed by:

18 (a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and
19 the minority leader of the House; or

20 (b) the House and the Senate.

21 ~~(2)~~(3) Bills and resolutions must be reviewed by the staff of the Legislative Council prior to
22 introduction for proper format, style, and legal form. The staff of the Legislative Council shall store bills
23 on the automated bill drafting equipment and shall print and deliver them in duplicate to the requesting
24 members. The original bill cover must be signed to indicate review by the Legislative Council. A bill may
25 not be introduced unless it is so signed.

26 ~~(3)~~(4) During a session, a bill may be introduced by endorsing it with the name of a member and
27 presenting it in duplicate to the Chief Clerk of the House of Representatives or the Secretary of the Senate.
28 Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill
29 must be introduced in the house in which the member whose name appears first on the bill is a member.
30 The chief joint sponsor's name must appear immediately to the right of the first sponsor's name. In each

1 session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively
 2 in separate series in the order of their receipt.

3 ~~(4)~~(5) Any bill proposed by a legislative committee or introduced by request of an administrative
 4 or executive agency or department must be so indicated by placing after the names of the sponsors the
 5 phrase "By Request of the (Name of committee or agency)". A bill draft request submitted at the
 6 request of an agency or committee prior to December 23 must be requested by an individual member by
 7 December 23 or the request is placed on hold. After December 23, an agency or committee bill must be
 8 requested by an individual member.

9 ~~(5)~~(6) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the
 10 staff of the Legislative Council. Actual signatures of persons entitled to serve as members in the ensuing
 11 session may appear on the face of the preintroduced bill, or signatures may be obtained on a consent form
 12 from the Legislative Council and the sponsor's name printed on the bill. Additional sponsors may be added
 13 on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names
 14 will be forwarded to the Legislative Council to be included on the face of the bill following standing
 15 committee approval.

16 ~~(6)~~(7) All preintroduced bills must be made available to the public.

17 **40-50. Schedules for drafting requests and bill introduction.** The following schedules must be
 18 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 |
| | ----- | ----- |
| 25 ● General Bills and Resolutions | 10 | 14 |
| 26 ● Revenue Bills | 17 | 21 |
| 27 ● Committee Bills and Resolutions | 36 | 40 |
| 28 ● Committee Revenue Bills | 62 | 66 |
| 29 ● Committee Bills implementing | 75 | 78 |
| 30 provisions of a general | | |

1 appropriation act

2 ● Bills and Resolutions delivered after the applicable introduction deadline must be introduced within 2
3 legislative days after delivery.

| | | |
|-------------------------|----------|----------|
| 4 ● Appropriation Bills | No | No |
| | Deadline | Deadline |

| | | |
|-------------------------------|---------------------|---------------------|
| 6 ● Interim study resolutions | No | No |
| | Deadline | Deadline |
| | <u>75</u> | <u>80</u> |

| | | |
|---------------------------------|----------|----------|
| 9 ● Resolutions to express | No | No |
| 10 confirmation of appointments | Deadline | Deadline |

| | | |
|-----------------------------------|----------|----------|
| 11 ● Bills repealing or directing | No | No |
| 12 the amendment or adoption of | Deadline | Deadline |

13 administrative rules and joint
14 resolutions advising or
15 requesting the repeal,
16 amendment, or adoption of
17 administrative rules

18 **40-60. Joint resolutions.** (1) A joint resolution must be adopted by both houses and is not
19 approved by the Governor. It may be used to:

- 20 (a) express desire, opinion, sympathy, or request of the Legislature;
- 21 (b) request ~~an interim study by~~, BUT NOT REQUIRE, a legislative ~~subcommittee~~ ENTITY TO
22 CONDUCT AN INTERIM STUDY;
- 23 (c) adopt, amend, or repeal the joint rules;
- 24 (d) set salaries and other terms of employment for legislative employees;
- 25 (e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;
- 26 (f) deal with disasters and emergencies under Title 10, specifically as provided in sections
27 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;
- 28 (g) submit a negotiated settlement under section 39-31-305(3), MCA;
- 29 (h) declare or terminate an energy emergency under section 90-4-310, MCA;
- 30 (i) ratify or propose amendments to the United States Constitution; or

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

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

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

7 **NEW SECTION. 40-65. APPROPRIATION REQUIRED FOR BILLS REQUESTING INTERIM STUDIES.**

8 **A BILL INCLUDING A REQUEST FOR AN INTERIM STUDY MAY NOT BE TRANSMITTED TO THE**
9 **GOVERNOR UNLESS THE BILL CONTAINS AN APPROPRIATION SUFFICIENT TO CONDUCT THE STUDY.**

10 **A FISCAL NOTE MAY BE REQUESTED FOR A BILL REQUESTING AN INTERIM STUDY IF THE**
11 **APPROPRIATION DOES NOT APPEAR TO BE SUFFICIENT.**

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

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

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

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

23 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of
24 a committee of the Legislature having an effect on the revenues, expenditures, or fiscal liability of the state,
25 except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating
26 an estimate of the fiscal effect. The Legislative Council staff shall indicate at the top of each bill prepared
27 for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the
28 presiding officer of either house, who, at the time of introduction, shall determine the need for the note,
29 based on the Legislative Council staff recommendation.

30 (2) Unless the requesting member directs otherwise, the Legislative Council shall deliver three

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

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

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

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

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

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

15 (c) long-range financial implications.

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

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

19 (a) a committee considering the bill;

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

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

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

25 **40-110. Sponsor's fiscal note.** (1) If a sponsor elects to request the preparation of a sponsor's
26 fiscal note pursuant to section 5-4-204, MCA, the sponsor shall make the election as provided and return
27 the completed sponsor's fiscal note to the presiding officer within 4 days of the election.

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

30 (3) Upon receipt of the completed sponsor's fiscal note, the presiding officer shall refer it to the

1 committee hearing the bill. If the bill is printed, the note must be identified as a sponsor's fiscal note,
2 reproduced, and placed on the members' desks.

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

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

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

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

14 **40-130. Reading of bills.** Prior to passage a bill must be read three times in the house in which
15 it is under consideration. It may be read either by title or by summary of title.

16 **40-140. Second reading -- bill reproduction.** (1) If the majority of a house adopts a
17 recommendation for the passage of a bill originating in that house after the bill has been returned from a
18 committee with amendments, the bill must be reproduced on yellow paper with all amendments
19 incorporated into the copies.

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

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

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

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

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

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

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

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

22 (a) enrolled;

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

24 (c) signed by the presiding officers; and

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

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

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

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

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

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

11 **40-180. Final action on a bill.** When a bill being heard by the second house has received its third
12 reading or has been rejected, the second house must transmit it as soon as possible to the original house
13 with notice of the second house's action.

14 **40-190. Transmittal of bills between houses.** (1) Each house shall transmit to the other with any
15 bill all relevant papers.

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

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

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

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

27 (c) (i) Revenue bills originating in the Senate must be transmitted to the House on or before the
28 71st legislative day.

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

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

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

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

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

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

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

12 (b) Amendments to the resolutions must be transmitted to the house of origin no later than the
13 82nd legislative day.

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

17 (4) INTERIM STUDY RESOLUTIONS MUST BE TRANSMITTED FROM ONE HOUSE TO THE OTHER
18 ON OR BEFORE THE 85TH LEGISLATIVE DAY.

19 **40-210. Governor's veto.** (1) Each bill passed by the Legislature must be submitted to the
20 Governor for the Governor's signature. This does not apply to:

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

22 (b) bills ratifying proposed amendments to the United States 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 days after its delivery if the Legislature
26 is in session or within 25 days if the Legislature is adjourned, the bill becomes law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 CHAPTER 6J

7 Rule 3

8 **60-10. Suspension of joint rule -- change in rules.** (1) A joint rule may be repealed or amended
9 only with the concurrence of both houses, under the procedures adopted by each house for the repeal or
10 amendment of its own rules.

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

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

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

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

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

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

22 **60-30. Publication and distribution of joint rules.** (1) The Legislative Council shall codify and
23 publish in one volume:

24 (a) the rules of the Senate;

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

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

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

29 CHAPTER 70

30 Statement of Legislative Intent

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

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

8 **70-20. Limitation.** A statement of intent may not accompany any bill that does not statutorily
9 require one unless a committee (standing committee, Committee of the Whole or conference committee)
10 agrees by a two-thirds vote to attach the statement.

11 **70-30. Statement of intent to accompany bill -- when -- how.** A statement of intent must
12 accompany a bill as follows:

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

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

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

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

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

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

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

1

-END-

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SENATE JOINT RESOLUTION NO. 1
INTRODUCED BY HARP, 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**

THERE ARE NO CHANGES IN THIS BILL
AND WILL NOT BE REPRINTED. PLEASE
REFER TO YELLOW COPY FOR COMPLETE TEXT.



HOUSE STANDING COMMITTEE REPORT

January 16, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Rules report that Senate Joint Resolution 1 (first reading copy -- white) be concurred in as amended.

Signed: LARRY GRINDE
Larry Grinde, Chair

And, that such amendments read:

Carried by: Rep. Grinde

1. Page 8, line 16.

Following: "."

Insert: "A bill requested pursuant to subsection (5) must receive a lower drafting priority than all bills requested by members, unless the requesting member assigns that request to the member's five-request priority."

2. Page 9, line 19.

Strike: "Introduction"

3. Page 9, line 20.

Strike: the second "Deadline"

4. Page 9, line 21.

Strike: the second "5:00 P.M."

5. Page 9, line 22.

Strike: the second "Legislative"

6. Page 9, line 23.

Strike: the second "Day"

7. Page 9, line 25.

Strike: "14"

8. Page 9, line 26.

Committee Vote:

Yes __, No __.

SJ 1

HOUSE

Strike: "21"

9. Page 9, line 27.
Strike: "40"

10. Page 9, line 28.
Strike: "66"

11. Page 9, line 29.
Strike: "78"

12. Page 10, line 2.
Strike: "delivered after the applicable introduction deadline"

13. Page 10, line 8.
Strike: "80"

14. Page 15, line 11.
Following: "."
Insert: "(1)"

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

16. Page 16, line 19.
Strike: "Each"
Insert: "Except as provided in 40-65 and 40-180, each"

-END-

1 SENATE JOINT RESOLUTION NO. 1

2 INTRODUCED BY HARP, GRINDE

3 BY REQUEST OF THE JOINT RULES COMMITTEE

4
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6 MONTANA ADOPTING JOINT RULES TO GOVERN THEIR PROCEEDINGS.

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

10 That the following Joint Rules be adopted:

11 **JOINT RULES OF THE MONTANA**
12 **SENATE AND HOUSE OF REPRESENTATIVES**

13 CHAPTER 10

14 Administration

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

16 **10-20. Legislative day -- duration.** (1) If either house is in session on a given day, that day
17 constitutes a legislative day.

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

20 **10-30. Schedules.** The presiding officer of each house shall coordinate its schedule to
21 accommodate the workload of the other house.

22 **10-40. Adjournment -- recess -- meeting place.** A house may not, without the consent of the
23 other, adjourn or recess for more than 3 days or to any place other than that in which the two houses are
24 sitting (Montana Constitution, Art. V, Sec. 10(5)).

25 **10-50. Access of press.** Subject to the presiding officer's discretion on issues of decorum and
26 order, an accredited press representative may not be prohibited from photographing, televising, or recording
27 a legislative meeting or hearing.

28 **10-60. Conflict of interest.** A member who has a personal or private interest in any measure or
29 bill proposed or pending before the Legislature shall disclose the fact to the house to which the member
30 belongs.

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

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

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

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

11 (1) hire joint employees; and

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

14 **10-85. Harassment prohibited.** Legislators and legislative employees have the right to work free
15 of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas when
16 performing services in furtherance of legislative responsibilities, whether the offender be employer,
17 employee, legislator, lobbyist, or member of the public. A violation of this policy must be reported to the
18 party leader in the appropriate house if the offended party is a legislator or to the presiding officer if the
19 offended party is the party leader. The presiding officer may refer the matter to the rules committee of the
20 applicable house, and the offender is subject to discipline or censure, as appropriate. If the offended party
21 is an employee, the violation must be reported to the employee's supervisor or, if the offender is the
22 supervisor, the report should be made to the chief clerk of the house of representatives or to the secretary
23 of the senate, as appropriate. If the offended party is a supervisor, the violation must be reported to the
24 chief clerk of the house of representatives or to the secretary of the senate, as appropriate. The chief clerk
25 or the secretary shall report the violation to the presiding officer. The presiding officer may refer the matter
26 to the rules committee. If the offender is an employee, the employee is subject to discipline or discharge.

27 **10-90. Legislative interns.** Qualifications for legislative interns are specified in Title 5, chapter 6,
28 MCA.

29 **10-100. Legislative Council.** (1) The staff of the Legislative Council shall serve both houses as
30 required.

1 (2) Staff members shall:

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

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

5 **10-110. Compensation of legislative employees.** The Legislature by joint resolution shall prescribe
6 the compensation of the employees of each house.

7 **10-120. Engrossing and enrolling staff -- duties.** (1) The Legislative Council shall hire all
8 engrossing and enrolling staff.

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

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

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

17 (i) errors in spelling;

18 (ii) errors in numbering sections;

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

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

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

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

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

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

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

26 (3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the
27 Secretary of the Senate or the Chief Clerk of the House and to the sponsor of the bill or amendment. The
28 sponsor shall sign the clerical form to acknowledge notification of the clerical correction. The signed form
29 must be filed in the office of the amendments coordinator. ~~Any of these~~ A party receiving notice may
30 register an objection to the correction by filing the objection in writing within 24 hours after receipt of the

1 notice.

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

5 **10-130. Bills.** (1) A bill draft request must be sponsored by a member of the Legislature.

6 (2) A bill must be:

7 (a) printed on paper with numbered lines;

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

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

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

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

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

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

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

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

23 **10-150. Recording and publication of voting.** (1) Every vote of each member on each substantive
24 question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made
25 public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the
26 names entered on the journal.

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

29 (a) amend;

30 (b) recommend passage or nonpassage;

1 (c) recommend concurrence or nonconcurrence; or

2 (d) indefinitely postpone.

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

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

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

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

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

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

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

17 (2) The Legislative Council shall ~~distribute~~ make the completed journals available to the public
18 (sections 5-11-201 through 5-11-203, MCA).

19 CHAPTER 30

20 Committees

21 **30-10. Committee chair.** Except as provided in Joint Rule 30-50, the chair of the Senate
22 committee is the chair of all joint committees.

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

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

29 **30-30. Conference committees.** (1) If either house requests a conference and appoints a
30 committee for the purpose of discussing an amendment on which the two houses cannot agree, the other

1 house shall appoint a committee for the same purpose. The time and place of all conference committee
 2 meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in
 3 order at any time. Failure to make this announcement does not affect the validity of the legislation being
 4 considered.

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

7 The committee may recommend:

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

9 (b) further amendment of the disputed amendment.

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

13 **30-40. Conference committee -- enrolling.** A conference committee report shall give clerical
 14 instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

15 **30-50. Committee consideration of appropriation bills.** (1) All bills providing for an appropriation
 16 of public money may first be considered by a joint committee composed of the members of the Senate
 17 Committee on Finance and Claims and the House Committee on Appropriations, and then by each
 18 separately.

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

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

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

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

25 (c) the chair is present for the vote.

26 **30-60. Estimation of revenue.** ~~(1)~~ The Revenue Oversight Committee shall introduce a House joint
 27 resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

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

1 request an unlimited number of bills and resolutions to be prepared by the Legislative Council for
2 introduction in the regular session.

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

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

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

9 (i) Code Commissioner bills;

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

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

13 (2) The staff of the Legislative Council shall work on bill draft requests in the order received. After
14 a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of
15 that member must receive a lower drafting priority than all other bills of members not in excess of five per
16 member. A BILL REQUESTED PURSUANT TO SUBSECTION (5) MUST RECEIVE A LOWER DRAFTING
17 PRIORITY THAN ALL BILLS REQUESTED BY MEMBERS, UNLESS THE REQUESTING MEMBER ASSIGNS
18 THAT REQUEST TO THE MEMBER'S FIVE-REQUEST PRIORITY. The staff of the Legislative Council shall
19 assign a higher priority to any bill draft request when jointly directed by:

20 (a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and
21 the minority leader of the House; or

22 (b) the House and the Senate.

23 ~~(2)~~(3) Bills and resolutions must be reviewed by the staff of the Legislative Council prior to
24 introduction for proper format, style, and legal form. The staff of the Legislative Council shall store bills
25 on the automated bill drafting equipment and shall print and deliver them in duplicate to the requesting
26 members. The original bill cover must be signed to indicate review by the Legislative Council. A bill may
27 not be introduced unless it is so signed.

28 ~~(3)~~(4) During a session, a bill may be introduced by endorsing it with the name of a member and
29 presenting it in duplicate to the Chief Clerk of the House of Representatives or the Secretary of the Senate.
30 Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill

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

5 ~~(4)~~(5) Any bill proposed by a legislative committee or introduced by request of an administrative
 6 or executive agency or department must be so indicated by placing after the names of the sponsors the
 7 phrase "By Request of the (Name of committee or agency)". A bill draft request submitted at the
 8 request of an agency or committee prior to December 23 must be requested by an individual member by
 9 December 23 or the request is placed on hold. After December 23, an agency or committee bill must be
 10 requested by an individual member.

11 ~~(5)~~(6) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the
 12 staff of the Legislative Council. Actual signatures of persons entitled to serve as members in the ensuing
 13 session may appear on the face of the preintroduced bill, or signatures may be obtained on a consent form
 14 from the Legislative Council and the sponsor's name printed on the bill. Additional sponsors may be added
 15 on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names
 16 will be forwarded to the Legislative Council to be included on the face of the bill following standing
 17 committee approval.

18 ~~(6)~~(7) All preintroduced bills must be made available to the public.

19 **40-50. Schedules for drafting requests and bill introduction.** The following schedules must be
 20 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 |
| | _____ | _____ |
| 27 ● General Bills and Resolutions | 10 | 14 |
| 28 ● Revenue Bills | 17 | 21 |
| 29 ● Committee Bills and Resolutions | 36 | 40 |
| 30 ● Committee Revenue Bills | 62 | 66 |

| | | | |
|----|---|---------------------|---------------------|
| 1 | ● Committee Bills implementing | 75 | 78 |
| 2 | provisions of a general | | |
| 3 | appropriation act | | |
| 4 | ● Bills and Resolutions delivered after the applicable introduction deadline must be introduced within 2 | | |
| 5 | legislative days after delivery. | | |
| 6 | ● Appropriation Bills | No | No |
| 7 | | Deadline | Deadline |
| 8 | ● Interim study resolutions | No | No |
| 9 | | Deadline | Deadline |
| 10 | | <u>75</u> | <u>80</u> |
| 11 | ● Resolutions to express | No | No |
| 12 | confirmation of appointments | Deadline | Deadline |
| 13 | ● Bills repealing or directing | No | No |
| 14 | the amendment or adoption of | Deadline | Deadline |
| 15 | administrative rules and joint | | |
| 16 | resolutions advising or | | |
| 17 | requesting the repeal, | | |
| 18 | amendment, or adoption of | | |
| 19 | administrative rules | | |

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

- 22 (a) express desire, opinion, sympathy, or request of the Legislature;
- 23 (b) request ~~an interim study by~~, BUT NOT REQUIRE, a legislative ~~subcommittee~~ ENTITY TO
 24 CONDUCT AN INTERIM STUDY;
- 25 (c) adopt, amend, or repeal the joint rules;
- 26 (d) set salaries and other terms of employment for legislative employees;
- 27 (e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;
- 28 (f) deal with disasters and emergencies under Title 10, specifically as provided in sections
 29 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;
- 30 (g) submit a negotiated settlement under section 39-31-305(3), MCA;

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

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

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

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

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

9 **NEW SECTION. 40-65. APPROPRIATION REQUIRED FOR BILLS REQUESTING INTERIM STUDIES.**

10 **A BILL INCLUDING A REQUEST FOR AN INTERIM STUDY MAY NOT BE TRANSMITTED TO THE**
11 **GOVERNOR UNLESS THE BILL CONTAINS AN APPROPRIATION SUFFICIENT TO CONDUCT THE STUDY.**

12 **A FISCAL NOTE MAY BE REQUESTED FOR A BILL REQUESTING AN INTERIM STUDY IF THE**
13 **APPROPRIATION DOES NOT APPEAR TO BE SUFFICIENT.**

14 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not be introduced or received in a house
15 after that house, during that session, has finally rejected a bill designed to accomplish the same purpose,
16 except with the approval of the Rules Committee of the house in which the bill is offered for introduction
17 or reception.

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

19 **40-80. Reproduction of full statute required.** A statute may not be amended or its provisions
20 extended by reference to its title only, but the statute section that is amended or extended must be
21 reproduced or published at length.

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

25 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of
26 a committee of the Legislature having an effect on the revenues, expenditures, or fiscal liability of the state,
27 except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating
28 an estimate of the fiscal effect. The Legislative Council staff shall indicate at the top of each bill prepared
29 for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the
30 presiding officer of either house, who, at the time of introduction, shall determine the need for the note,

1 based on the Legislative Council staff recommendation.

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

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

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

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

- 15 (a) the estimated increase or decrease in revenues or 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 relative to merits of the bill. However,
19 technical or mechanical defects in the bill may be noted.

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

- 21 (a) a committee considering the bill;
22 (b) a majority of the members of the house in which the bill is to be considered, at the time of
23 second reading; or
24 (c) the chief sponsor, through the presiding officer.

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

27 **40-110. Sponsor's fiscal note.** (1) If a sponsor elects to request the preparation of a sponsor's
28 fiscal note pursuant to section 5-4-204, MCA, the sponsor shall make the election as provided and return
29 the completed sponsor's fiscal note to the presiding officer within 4 days of the election.

30 (2) The presiding officer may grant additional time to the sponsor for preparation of the sponsor's

1 fiscal note.

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

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

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

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

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

16 **40-130. Reading of bills.** Prior to passage a bill must be read three times in the house in which
17 it is under consideration. It may be read either by title or by summary of title.

18 **40-140. Second reading -- bill reproduction.** (1) If the majority of a house adopts a
19 recommendation for the passage of a bill originating in that house after the bill has been returned from a
20 committee with amendments, the bill must be reproduced on yellow paper with all amendments
21 incorporated into the copies.

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

25 **40-150. Engrossing.** (1) When a bill has been reported favorably by Committee of the Whole of
26 the house in which it originated and the report has been adopted, the bill must be engrossed. Committee
27 of the Whole amendments must be included in the engrossed bill. The bill must be placed on the calendar
28 for third reading on the succeeding legislative day.

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

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

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

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

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

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

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

24 (a) enrolled;

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

26 (c) signed by the presiding officers; and

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

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

30 (6) The original and two copies signed by the presiding officer of each house must be presented

1 to the Governor or the Secretary of State, as applicable, in return for a receipt. A report then must be made
2 to the house of the day of the presentation, which must be entered on the journal.

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

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

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

13 **40-180. Final action on a bill.** (1) When a bill being heard by the second house has received its
14 third reading or has been rejected, the second house must transmit it as soon as possible to the original
15 house with notice of the second house's action.

16 (2) A BILL THAT REDUCES REVENUE AND THAT CONTAINS A CONTINGENT VOIDNESS
17 PROVISION MAY NOT BE TRANSMITTED TO THE GOVERNOR UNLESS THERE IS AN IDENTIFIED
18 CORRESPONDING REDUCTION IN AN APPROPRIATION CONTAINED IN THE GENERAL APPROPRIATIONS
19 ACT.

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

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

25 **40-200. Transmittal deadlines.** (1) (a) A bill or amendment transmitted after the deadline
26 established in this subsection (1) may be considered by the receiving house only upon approval of
27 two-thirds of its members present and voting. If the receiving house does not so vote, the bill or
28 amendment must be held pending in the house to which it was transmitted.

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

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

3 (c) (i) Revenue bills originating in the Senate must be transmitted to the House on or before the
4 71st legislative day.

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

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

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

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

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

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

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

18 (b) Amendments to the resolutions must be transmitted to the house of origin no later than the
19 82nd legislative day.

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

23 (4) INTERIM STUDY RESOLUTIONS MUST BE TRANSMITTED FROM ONE HOUSE TO THE OTHER
24 ON OR BEFORE THE 85TH LEGISLATIVE DAY.

25 **40-210. Governor's veto.** (1) ~~Each~~ EXCEPT AS PROVIDED IN 40-65 AND 40-180, EACH bill
26 passed by the Legislature must be submitted to the Governor for the Governor's signature. This does not
27 apply to:

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

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

30 (c) resolutions; and

1 (d) referendum measures of the Legislature.

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

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

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

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

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

14 **40-220. Response to Governor's veto.** (1) When the presiding officer receives a veto message,
15 the presiding officer shall read it to the members over the rostrum. After the reading, a member may move
16 that the Governor's veto be overridden.

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

20 **40-230. Governor's recommendations for amendment.** (1) The Governor may return any bill to
21 the Legislature with recommendations for amendment.

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

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

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

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

1 disapproval of the Governor's recommendations.

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

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

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

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

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

13 CHAPTER 60

14 Rules

15 **60-10. Suspension of joint rule -- change in rules.** (1) A joint rule may be repealed or amended
16 only with the concurrence of both houses, under the procedures adopted by each house for the repeal or
17 amendment of its own rules.

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

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

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

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

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

27 **60-20. Reference to Mason's Manual.** Mason's Manual of Legislative Procedure (1989) governs
28 the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

29 **60-30. Publication and distribution of joint rules.** (1) The Legislative Council shall codify and
30 publish in one volume:

- 1 (a) the rules of the Senate;
- 2 (b) the rules of the House of Representatives; and
- 3 (c) the joint rules of the Senate and the House of Representatives.
- 4 (2) After the rules have been published, the Legislative Council shall distribute copies as directed
- 5 by the Senate and the House of Representatives.

6 CHAPTER 70

7 Statement of Legislative Intent

8 **70-10. Definition.** (1) For the purpose of compliance with the Legislative History Act (Title 5,

9 chapter 4, part 4, MCA), a statement of legislative intent regarding a bill must express the common

10 understanding of those components of the Legislature voting on the bill.

11 (2) This statement differs from a purpose clause, which is used in general to describe the broad

12 overall objectives of a bill. A statement of intent is used to guide the details of interpretation by those

13 charged with implementation of the bill and is phrased in terms of contingencies, examples, or other matter

14 inappropriate for expression as statutory language.

15 **70-20. Limitation.** A statement of intent may not accompany any bill that does not statutorily

16 require one unless a committee (standing committee, Committee of the Whole or conference committee)

17 agrees by a two-thirds vote to attach the statement.

18 **70-30. Statement of intent to accompany bill -- when -- how.** A statement of intent must

19 accompany a bill as follows:

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

21 (2) A statement of intent must be included with the introduced bill for a bill requiring one. If a bill

22 is found to require a statement of intent at any time in the legislative process, a statement of intent may

23 be added under the procedure for amending a bill.

24 (3) A statement of intent must be included as a part of the bill between the title and the enacting

25 clause under the heading "Statement of Intent".

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

27 statement of intent or recommend inclusion of a statement of intent. The statement of intent must be

28 reflected in the history of the bill.

29 **70-50. Conference committee on statement of intent only.** (1) If the second house concurs in a

30 bill without amendments but amends or supersedes a previous statement of intent, the bill may not be

1 enrolled until both houses have agreed on a statement of intent. If the statement of intent is attached to
2 a bill that does not statutorily require one, the conference committee can delete the statement in its
3 entirety.

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

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

8 -END-