

## 1 SENATE JOINT RESOLUTION NO. 1

2 INTRODUCED BY HARP

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 REVISING THE JOINT LEGISLATIVE RULES.

7

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

10

11 That the following Joint Rules be adopted:

12 JOINT RULES OF THE MONTANA 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~~ Long-distance telephone calls made by a member while  
2 the Legislature is in session or while the member is in travel status are considered official legislative  
3 business. These include, but are not limited to, calls made to constituencies, places of business, and family  
4 members.

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

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

11           **10-80. Joint employees.** The presiding officers of each house, acting together, shall:

12           (1) hire joint employees; and

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

15           **10-85. Harassment prohibited.** (1) Legislators and legislative employees have the right to work  
16 free of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas when  
17 performing services in furtherance of legislative responsibilities, whether the offender ~~be~~ is an employer,  
18 employee, legislator, lobbyist, or member of the public.

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

23           (3) If the offended party is an employee, the violation must be reported to the employee's  
24 supervisor or, if the offender is the supervisor, the report should be made to the chief clerk of the house  
25 of representatives or to the secretary of the senate, as appropriate.

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

28           (5) The chief clerk or the secretary shall report the violation to the presiding officer. The presiding  
29 officer may refer the matter to the rules committee. If the offender is an employee, the employee is subject  
30 to discipline or discharge.

1           **10-90. Legislative interns.** Qualifications for legislative interns are specified in Title 5, chapter 6,  
2 MCA.

3           **10-100. Legislative ~~Council~~ Services Division.** (1) The staff of the Legislative ~~Council~~ Services  
4 Division shall serve both houses as required.

5           (2) Staff members shall:

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

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

9           **10-110. Compensation of legislative employees.** The Legislature by joint resolution shall prescribe  
10 the compensation of the employees of each house.

11           **10-120. Engrossing and enrolling staff -- duties.** (1) The Legislative ~~Council~~ Services Division shall  
12 ~~hire~~ provide all engrossing and enrolling staff.

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

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

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

21           (i) errors in spelling;

22           (ii) errors in numbering sections;

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

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

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

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

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

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

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

30           (3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the

1 Secretary of the Senate or the Chief Clerk of the House and to the sponsor of the bill or amendment. The  
2 sponsor shall sign the clerical form to acknowledge notification of the clerical correction. The signed form  
3 must be filed in the office of the amendments coordinator. A party receiving notice may register an  
4 objection to the correction by filing the objection in writing within 24 hours after receipt of the notice.

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

8 **10-130. Bills.** (1) A bill draft request must be sponsored by a member of the Legislature.

9 (2) A bill must be:

10 (a) printed on paper with numbered lines;

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

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

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

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

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

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

19 (6) An introduced bill may not be withdrawn.

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

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

27 **10-150. Recording and publication of voting.** (1) Every vote of each member on each substantive  
28 question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made  
29 public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the  
30 names entered on the journal.

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

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

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

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

13 **10-160. Journal.** Each house shall:

- 14 (1) supply the Legislative ~~Council~~ Services Division with the contents of the daily journal to be  
15 stored on an automated system;  
16 (2) examine its journal and order correction of any errors; and  
17 (3) distribute a daily journal to all members.

18 **10-170. Journals -- authentication -- availability.** (1) The journal of the Senate must be  
19 authenticated by the signature of the President and the journal of the House of Representatives by the  
20 signature of the Speaker.

21 (2) The Legislative ~~Council~~ Services Division shall make the completed journals available to the  
22 public (sections 5-11-201 through 5-11-203, MCA).

## 23 CHAPTER 30

### 24 Committees

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

27 **30-20. Voting in joint committees.** (1) Except for Rules Committees and conference committees,  
28 a member of a joint committee votes individually and not by the house to which the committee member  
29 belongs.

30 (2) Because the Rules Committees and conference committees are joint meetings of separate

1 committees, in those committees the committees from each house vote separately. A majority of each  
2 committee must agree before any action may be taken, unless otherwise specified by individual house rules.

3 **30-30. Conference committees.** (1) If either house requests a conference and appoints a  
4 committee for the purpose of discussing an amendment on which the two houses cannot agree, the other  
5 house shall appoint a committee for the same purpose. The time and place of all conference committee  
6 meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in  
7 order at any time. Failure to make this announcement does not affect the validity of the legislation being  
8 considered.

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

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

13 (b) further amendment of the disputed amendment.

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

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

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

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

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

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

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

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

30 **30-60. Estimation of revenue.** The Revenue Oversight Committee shall introduce a House joint

1 resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

2 ~~30-70. Oversight of joint legislative agencies and committees. The President of the Senate, the~~  
 3 ~~Speaker of the House, and the minority leaders of the Senate and the House comprise a legislative~~  
 4 ~~management committee which shall meet from time to time at the request of one of its members to review~~  
 5 ~~and oversee the activities of joint agencies and committees of the legislative branch established by law or~~  
 6 ~~resolution. The committee may consider, without limitation, matters concerning jurisdictional disputes~~  
 7 ~~between joint agencies and committees, agency salary schedules and employment policies, and any other~~  
 8 ~~matter bearing upon the efficient operation of the legislative branch. The committee may make such~~  
 9 ~~recommendations as it chooses to the appropriate authority or the Legislature.~~

## 10 CHAPTER 40

### 11 Legislation

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

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

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

19 **40-30. Effective dates.** (1) Except as provided in subsections (2) through (4), a statute takes effect  
 20 on October 1 following its passage and approval, unless a different time is prescribed ~~therein~~ in the enacting  
 21 legislation.

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

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

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

29 **40-40. Bill requests and introduction -- limits and procedures.** (1) Prior to a regular session, a  
 30 person entitled to serve in that session, hereafter referred to as a "member", is entitled to request bill

1 drafting services from the Legislative ~~Council~~ Services Division, subject to the following limits:

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

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

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

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

11 (i) Code Commissioner bills;

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

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

15 (2) The staff of the Legislative ~~Council~~ Services Division shall work on bill draft requests in the  
16 order received. After a member has requested the drafting of five bills, the sixth bill request and all  
17 subsequent bill requests of that member must receive a lower drafting priority than all other bills of  
18 members not in excess of five per member. A bill requested pursuant to subsection (5) must receive a  
19 lower drafting priority than all bills requested by members, unless the requesting member assigns that  
20 request to the member's five-request priority. A legislator draft must receive priority at each step of the  
21 drafting process. A legislator draft must be delivered to the Legislative Services Division by the 20th  
22 legislative day or the request is canceled. The staff of the Legislative ~~Council~~ Services Division shall assign  
23 a higher priority to any bill draft request when jointly directed by:

24 (a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and  
25 the minority leader of the House; or

26 (b) the House and the Senate.

27 (3) Bills and resolutions must be reviewed by the staff of the Legislative ~~Council~~ Services Division  
28 prior to introduction for proper format, style, and legal form. The staff of the Legislative ~~Council~~ Services  
29 Division shall store bills on the automated bill drafting equipment and shall print and deliver them in  
30 duplicate to the requesting members. The original bill cover must be signed to indicate review by the



1 Legislative Council Services Division. A bill may not be introduced unless it is so signed.

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

9 (5) Any bill proposed by a legislative committee or introduced by request of an administrative or  
 10 executive agency or department must be so indicated by placing after the names of the sponsors the phrase  
 11 "By Request of the..... (Name of committee or agency)". A bill draft request submitted at the request  
 12 of an agency or committee prior to December 23 must be requested by an individual member by December  
 13 23 or the request is placed on hold. After December 23, an agency or committee bill must be requested  
 14 by an individual member. An agency or committee bill request must be preintroduced or the request is  
 15 canceled. The preintroduction requirement does not apply to an office held by an elected official during  
 16 the official's first year in that office.

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

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

25 **40-50. Schedules for drafting requests and bill introduction.** The following schedules must be  
 26 followed for submission of drafting requests and introduction of bills and resolutions.

27 Request Deadline

28 5:00 P.M.

29 Legislative Day

30

1	● General Bills and Resolutions	10
2	● Revenue Bills	17
3	● Committee Bills and Resolutions	36
4	● Committee Revenue Bills	62
5	● Committee Bills implementing provisions	75
6	of a general appropriation act	
7	● Bills and Resolutions must be introduced within	
8	2 legislative days after delivery.	
9	● Appropriation Bills	No Deadline
10	● Interim study resolutions	75
11	● Resolutions to express confirmation of	No Deadline
12	appointments	
13	● Bills repealing or directing the amendment	No Deadline
14	or adoption of administrative rules and	
15	joint resolutions advising or requesting	
16	the repeal, 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, but not require, a legislative entity to conduct an interim study;
- 22       (c) adopt, amend, or repeal the joint rules;
- 23       (d) set salaries and other terms of employment for legislative employees;
- 24       (e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;
- 25       (f) deal with disasters and emergencies under Title 10, specifically as provided in sections
- 26       10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;
- 27       (g) submit a negotiated settlement under section 39-31-305(3), MCA;
- 28       (h) declare or terminate an energy emergency under section 90-4-310, MCA;
- 29       (i) ratify or propose amendments to the United States Constitution; or
- 30       (j) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of

1 Montana.

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

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

6 **40-65. Appropriation required for bills requesting interim studies.** A bill including a request for an  
7 interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient  
8 to conduct the study. A fiscal note may be requested for a bill requesting an interim study if the  
9 appropriation does not appear to be sufficient.

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

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

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

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

21 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of  
22 a committee of the Legislature having ~~an~~ a potential effect on the revenues, expenditures, or fiscal liability  
23 of the state, local governments, or public schools, except appropriation measures carrying specific dollar  
24 amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative ~~Council~~  
25 Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may  
26 be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who,  
27 at the time of introduction or after adoption of substantive amendments to an introduced bill, shall  
28 determine the need for the note, based on the Legislative ~~Council~~ Services Division staff recommendation.

29 (2) Unless the ~~requesting member~~ chief sponsor directs otherwise, the Legislative ~~Council~~ Services  
30 Division shall ~~deliver three copies~~ make available an electronic copy of any bill for which it has been

1 determined a fiscal note may be necessary to the ~~state~~ Budget Director immediately after the bill has been  
 2 prepared for introduction and delivered to the requesting member. The Budget Director may proceed with  
 3 the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial  
 4 implications for a local government or school district must comply with subsection (4).

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

10 (4) (a) A bill that may require a local government or school district to perform an activity or provide  
 11 a service or facility that requires the direct expenditure of additional funds without a specific means to  
 12 finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be  
 13 accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect  
 14 fiscal impacts on the local government or school district. The estimate of the fiscal impacts must be  
 15 prepared by the Budget Director in cooperation with a local government or school district affected by the  
 16 bill.

17 (b) The Budget Director has 8 days to prepare the estimate unless further time is granted by the  
 18 presiding officer, based upon a written statement from the Budget Director that additional time is necessary  
 19 to properly prepare the estimate. Upon completion of the estimate, the Budget Director shall submit it to  
 20 the presiding officer and the chief sponsor of the bill.

21 ~~(4)(5)~~ A completed fiscal note must be submitted by the Budget Director to the presiding officer  
 22 who requested it. ~~The presiding officer shall refer it to the committee considering the bill. The presiding~~  
 23 officer shall notify the bill's chief sponsor of the completed fiscal note and request the chief sponsor's  
 24 signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to discuss  
 25 the findings with the Budget Director, if necessary. All After the legislative day has elapsed, all fiscal notes  
 26 must be reproduced and placed on the members' desks, either with or without the chief sponsor's  
 27 signature.

28 ~~(5)(6)~~ A fiscal note must, if possible, show in dollar amounts:

- 29 (a) the estimated increase or decrease in revenues or expenditures;  
 30 (b) costs that may be absorbed without additional funds; and

1 (c) long-range financial implications.

2 ~~(6)~~(7) The fiscal note may not include any comment or opinion relative to merits of the bill.  
3 However, technical or mechanical defects in the bill may be noted.

4 ~~(7)~~(8) A fiscal note also may be requested, through the presiding officer, on a bill and on an  
5 ~~amendment~~ amended bill by:

6 (a) a committee considering the bill;

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

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

10 ~~(8)~~(9) The Budget Director shall make available on request to any member of the Legislature all  
11 background information used in developing a fiscal note.

12 (10) If a bill requires a fiscal note, the bill may not be reported from a committee for second reading  
13 unless the bill is accompanied by the fiscal note.

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

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

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

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

25 **40-120. Substitute bills.** (1) A committee may recommend that every clause in a bill be changed  
26 and that entirely new material be substituted so long as the new material is relevant to the title and subject  
27 of the original bill. The substitute bill is considered an amendment and not a new bill.

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

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

3 **40-130. Reading of bills.** Prior to passage, a bill must be read three times in the house in which  
4 it is under consideration. It may be read either by title or by summary of title.

5 **40-140. Second reading -- bill reproduction.** (1) If the majority of a house adopts a  
6 recommendation for the passage of a bill originating in that house after the bill has been returned from a  
7 committee with amendments, the bill must be reproduced on yellow paper with all amendments  
8 incorporated into the copies.

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

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

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

20 (3) If a bill is amended by a standing committee ~~or Committee of the Whole~~ in the second house,  
21 the amendments must be included in a ~~salmon-colored reference~~ tan-colored bill and distributed in the  
22 second house for ~~third~~ second reading consideration. ~~The amendments also must be reproduced and~~  
23 ~~attached to the reference bill.~~ If the bill is amended in Committee of the Whole, the amendments must be  
24 included in a salmon-colored reference bill and distributed in the second house for third reading. If the bill  
25 passes on third reading, copies of the reference bill ~~and second house amendments~~ must be distributed in  
26 the original house. The original house may request from the second house a specified number of copies  
27 of the amendments to be printed.

28 **40-160. Enrolling.** (1) When a bill has passed both houses, it must be enrolled. An original and  
29 two duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches  
30 at the top and one inch on each side. In sections amending existing statutes, new matter must be

1 underlined and deleted matter must be shown as stricken.

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

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

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

12 (a) enrolled;

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

14 (c) signed by the presiding officers; and

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

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

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

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

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

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

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

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

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

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

12 **40-210. Governor's veto.** (1) Except as provided in 40-65 and 40-180, each bill passed by the  
13 Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

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

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

16 (c) resolutions; and

17 (d) referendum measures of the Legislature.

18 (2) If the Governor does not sign or veto the bill within ~~5~~ 10 days after its delivery ~~if the Legislature~~  
19 ~~is in session or within 25 days if the Legislature is adjourned~~, the bill becomes law.

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

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

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

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

30 **40-220. Response to Governor's veto.** (1) When the presiding officer receives a veto message,

1 the presiding officer shall read it to the members over the rostrum. After the reading, a member may move  
2 that the Governor's veto be overridden.

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

6 **40-230. Governor's recommendations for amendment.** (1) The Governor may return any bill to  
7 the Legislature with recommendations for amendment.

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

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

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

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

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

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

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

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

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

29 CHAPTER 60

30 Rules





APPROVED BY COM ON RULES

SENATE JOINT RESOLUTION NO. 1

INTRODUCED BY HARP

BY REQUEST OF THE JOINT RULES COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REVISING THE JOINT LEGISLATIVE RULES.

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

That the following Joint Rules be adopted:

JOINT RULES OF THE MONTANA SENATE AND HOUSE OF REPRESENTATIVES

CHAPTER 10

Administration

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

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

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

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

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

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

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



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

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

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

11           **10-80. Joint employees.** The presiding officers of each house, acting together, shall:

12           (1) hire joint employees; and

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

15           **10-85. Harassment prohibited.** (1) Legislators and legislative employees have the right to work  
16 free of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas when  
17 performing services in furtherance of legislative responsibilities, whether the offender ~~be~~ is an employer,  
18 employee, legislator, lobbyist, or member of the public.

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

23           (3) If the offended party is an employee, the violation must be reported to the employee's  
24 supervisor or, if the offender is the supervisor, the report should be made to the chief clerk of the house  
25 of representatives or to the secretary of the senate, as appropriate.

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

28           (5) The chief clerk or the secretary shall report the violation to the presiding officer. The presiding  
29 officer may refer the matter to the rules committee. If the offender is an employee, the employee is subject  
30 to discipline or discharge.

1           **10-90. Legislative interns.** Qualifications for legislative interns are specified in Title 5, chapter 6,  
2 MCA.

3           **10-100. ~~Legislative Council~~ Services Division.** (1) The staff of the Legislative ~~Council~~ Services  
4 Division shall serve both houses as required.

5           (2) Staff members shall:

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

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

9           **10-110. Compensation of legislative employees.** The Legislature by joint resolution shall prescribe  
10 the compensation of the employees of each house.

11           **10-120. Engrossing and enrolling staff -- duties.** (1) The Legislative ~~Council~~ Services Division shall  
12 ~~hire~~ provide all engrossing and enrolling staff.

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

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

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

21           (i) errors in spelling;

22           (ii) errors in numbering sections;

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

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

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

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

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

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

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

30           (3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the

1 Secretary of the Senate or the Chief Clerk of the House and to the sponsor of the bill or amendment. The  
2 sponsor shall sign the clerical form to acknowledge notification of the clerical correction. The signed form  
3 must be filed in the office of the amendments coordinator. A party receiving notice may register an  
4 objection to the correction by filing the objection in writing within 24 hours after receipt of the notice.

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

8 **10-130. Bills.** (1) A bill draft request must be sponsored by a member of the Legislature.

9 (2) A bill must be:

10 (a) printed on paper with numbered lines;

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

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

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

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

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

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

19 (6) An introduced bill may not be withdrawn.

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

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

27 **10-150. Recording and publication of voting.** (1) Every vote of each member on each substantive  
28 question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made  
29 public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the  
30 names entered on the journal.



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

3 (a) amend;

4 (b) recommend passage or nonpassage;

5 (c) recommend concurrence or nonconcurrence; or

6 (d) indefinitely postpone.

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

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

13 **10-160. Journal.** Each house shall:

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

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

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

18 **10-170. Journals -- authentication -- availability.** (1) The journal of the Senate must be  
19 authenticated by the signature of the President and the journal of the House of Representatives by the  
20 signature of the Speaker.

21 (2) The Legislative ~~Council~~ Services Division shall make the completed journals available to the  
22 public (sections 5-11-201 through 5-11-203, MCA).

## 23 CHAPTER 30

### 24 Committees

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

27 **30-20. Voting in joint committees.** (1) Except for Rules Committees and conference committees,  
28 a member of a joint committee votes individually and not by the house to which the committee member  
29 belongs.

30 (2) Because the Rules Committees and conference committees are joint meetings of separate

1 committees, in those committees the committees from each house vote separately. A majority of each  
2 committee must agree before any action may be taken, unless otherwise specified by individual house rules.

3 **30-30. Conference committees.** (1) If either house requests a conference and appoints a  
4 committee for the purpose of discussing an amendment on which the two houses cannot agree, the other  
5 house shall appoint a committee for the same purpose. The time and place of all conference committee  
6 meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in  
7 order at any time. Failure to make this announcement does not affect the validity of the legislation being  
8 considered.

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

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

13 (b) further amendment of the disputed amendment.

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

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

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

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

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

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

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

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

30 **30-60. Estimation of revenue.** The Revenue Oversight Committee shall introduce a House joint

1 resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

2 ~~30-70. Oversight of joint legislative agencies and committees.~~ The President of the Senate, the  
3 ~~Speaker of the House, and the minority leaders of the Senate and the House~~ comprise a legislative  
4 ~~management committee which shall meet from time to time at the request of one of its members to review~~  
5 ~~and oversee the activities of joint agencies and committees of the legislative branch established by law or~~  
6 ~~resolution. The committee may consider, without limitation, matters concerning jurisdictional disputes~~  
7 ~~between joint agencies and committees, agency salary schedules and employment policies, and any other~~  
8 ~~matter bearing upon the efficient operation of the legislative branch. The committee may make such~~  
9 ~~recommendations as it chooses to the appropriate authority or the Legislature.~~

## 10 CHAPTER 40

### 11 Legislation

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

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

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

19 **40-30. Effective dates.** (1) Except as provided in subsections (2) through (4), a statute takes effect  
20 on October 1 following its passage and approval, unless a different time is prescribed ~~therein~~ in the enacting  
21 legislation.

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

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

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

29 **40-40. Bill requests and introduction -- limits and procedures.** (1) Prior to a regular session, a  
30 person entitled to serve in that session, hereafter referred to as a "member", is entitled to request bill

1 drafting services from the Legislative ~~Council~~ Services Division, subject to the following limits:

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

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

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

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

11 (i) Code Commissioner bills;

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

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

15 (2) The staff of the Legislative ~~Council~~ Services Division shall work on bill draft requests in the  
16 order received. After a member has requested the drafting of five bills, the sixth bill request and all  
17 subsequent bill requests of that member must receive a lower drafting priority than all other bills of  
18 members not in excess of five per member. A bill requested pursuant to subsection (5) must receive a  
19 lower drafting priority than all bills requested by members, unless the requesting member assigns that  
20 request to the member's five-request priority. A legislator draft must receive priority at each step of the  
21 drafting process. A legislator draft must be delivered to the Legislative Services Division by the 20th  
22 legislative day or the request is canceled. The staff of the Legislative ~~Council~~ Services Division shall assign  
23 a higher priority to any bill draft request when jointly directed by:

24 (a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and  
25 the minority leader of the House; or

26 (b) the House and the Senate.

27 (3) Bills and resolutions must be reviewed by the staff of the Legislative ~~Council~~ Services Division  
28 prior to introduction for proper format, style, and legal form. The staff of the Legislative ~~Council~~ Services  
29 Division shall store bills on the automated bill drafting equipment and shall print and deliver them in  
30 duplicate to the requesting members. The original bill cover must be signed to indicate review by the

1 Legislative ~~Council~~ Services Division. A bill may not be introduced unless it is so signed.

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

9 (5) Any bill proposed by a legislative committee or introduced by request of an administrative or  
10 executive agency or department must be so indicated by placing after the names of the sponsors the phrase  
11 "By Request of the..... (Name of committee or agency)". THE PHRASE MAY NOT BE ADDED TO AN  
12 INTRODUCED BILL AND MAY NOT BE PLACED ON A BILL WHOSE SUBJECT MATTER WAS REQUESTED  
13 BY AN AGENCY OR STATUTORY OR INTERIM COMMITTEE PRIOR TO THE CONVENING OF THE SESSION.  
14 A bill draft request submitted at the request of an agency or committee prior to December 23 must be  
15 requested by an individual member by December 23 or the request is placed on hold. After December 23,  
16 an agency or committee bill must be requested by an individual member. An agency or STATUTORY OR  
17 INTERIM committee bill request must be preintroduced or the request is canceled. PREINTRODUCTION  
18 MUST OCCUR NO LATER THAN 5 P.M. ON THE FIFTH WORKING DAY PRIOR TO THE CONVENING OF  
19 A LEGISLATIVE SESSION. PREINTRODUCTION IS ACCOMPLISHED WHEN THE LEGISLATIVE SERVICES  
20 DIVISION RECEIVES A SIGNED PREINTRODUCTION FORM. The preintroduction requirement does not  
21 apply to an office held by an elected official during the official's first year in that office.

22 (6) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the staff  
23 of the Legislative ~~Council~~ Services Division. Actual signatures of persons entitled to serve as members in  
24 the ensuing session may appear on the face of the preintroduced bill, or signatures may be obtained on a  
25 consent form from the Legislative ~~Council~~ Services Division and the sponsor's name printed on the bill.  
26 Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee  
27 report on the bill. These names will be forwarded to the Legislative ~~Council~~ Services Division to be included  
28 on the face of the bill following standing committee approval.

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

30 **40-50. Schedules for drafting requests and bill introduction.** The following schedules must be

1 followed for submission of drafting requests and introduction of bills and resolutions.

2 Request Deadline  
 3 5:00 P.M.  
 4 Legislative Day

- 5 \_\_\_\_\_
- 6 ● General Bills and Resolutions 10
- 7 ● Revenue Bills 17
- 8 ● Committee Bills and Resolutions 36
- 9 ● Committee Revenue Bills 62
- 10 ● Committee Bills implementing provisions 75

11 of a general appropriation act

- 12 ● Bills and Resolutions must be introduced within
- 13 2 legislative days after delivery.

- 14 ● Appropriation Bills No Deadline

- 15 ● Interim study resolutions 75

- 16 ● Resolutions to express confirmation of No Deadline
- 17 appointments

- 18 ● Bills repealing or directing the amendment No Deadline

19 or adoption of administrative rules and

20 joint resolutions advising or requesting

21 the repeal, amendment, or adoption of

22 administrative rules

23 **40-60. Joint resolutions.** (1) A joint resolution must be adopted by both houses and is not  
 24 approved by the Governor. It may be used to:

- 25 (a) express desire, opinion, sympathy, or request of the Legislature;
- 26 (b) request, but not require, a legislative entity to conduct an interim study;
- 27 (c) adopt, amend, or repeal the joint rules;
- 28 (d) set salaries and other terms of employment for legislative employees;
- 29 (e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;
- 30 (f) deal with disasters and emergencies under Title 10, specifically as provided in sections

1 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

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

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

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

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

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

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

11 **40-65. Appropriation required for bills requesting interim studies.** A bill including a request for an  
12 interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient  
13 to conduct the study. A fiscal note may be requested for a bill requesting an interim study if the  
14 appropriation does not appear to be sufficient.

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

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

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

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

26 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of  
27 a committee of the Legislature having ~~an~~ a potential effect on the revenues, expenditures, or fiscal liability  
28 of the state, local governments, or public schools, except appropriation measures carrying specific dollar  
29 amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Council  
30 Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may

1 be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who,  
2 at the time of introduction or after adoption of substantive amendments to an introduced bill, shall  
3 determine the need for the note, based on the Legislative ~~Council~~ Services Division staff recommendation.

4 (2) Unless the ~~requesting member~~ chief sponsor directs otherwise, the Legislative ~~Council~~ Services  
5 Division shall ~~deliver three copies~~ make available an electronic copy of any bill for which it has been  
6 determined a fiscal note may be necessary to the ~~state~~ Budget Director immediately after the bill has been  
7 prepared for introduction and delivered to the requesting member. The Budget Director may proceed with  
8 the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial  
9 implications for a local government or school district must comply with subsection (4).

10 (3) The Budget Director, in cooperation with the ~~agency or agencies~~ governmental entity or entities  
11 affected by the bill, is responsible for the preparation of the fiscal note. ~~The~~ Except as provided in  
12 subsection (4), the Budget Director shall return the fiscal note within 6 days unless further time is granted  
13 by the presiding officer or committee making the request, based upon a written statement from the Budget  
14 Director that additional time is necessary to properly prepare the note.

15 (4) (a) A bill that may require a local government or school district to perform an activity or provide  
16 a service or facility that requires the direct expenditure of additional funds without a specific means to  
17 finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be  
18 accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect  
19 fiscal impacts on the local government or school district. The estimate of the fiscal impacts must be  
20 prepared by the Budget Director in cooperation with a local government or school district affected by the  
21 bill.

22 (b) The Budget Director has 8 days to prepare the estimate unless further time is granted by the  
23 presiding officer, based upon a written statement from the Budget Director that additional time is necessary  
24 to properly prepare the estimate. Upon completion of the estimate, the Budget Director shall submit it to  
25 the presiding officer and the chief sponsor of the bill.

26 (4)(5) A completed fiscal note must be submitted by the Budget Director to the presiding officer  
27 who requested it. The presiding officer shall refer it to the committee considering the bill. The presiding  
28 officer shall notify the bill's chief sponsor of the completed fiscal note and request the chief sponsor's  
29 signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to discuss  
30 the findings with the Budget Director, if necessary. All After the legislative day has elapsed, all fiscal notes



1 must be reproduced and placed on the members' desks, either with or without the chief sponsor's  
 2 signature.

3 ~~(5)~~(6) A fiscal note must, if possible, show in dollar amounts:

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

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

6 (c) long-range financial implications.

7 ~~(6)~~(7) The fiscal note may not include any comment or opinion relative to merits of the bill.

8 However, technical or mechanical defects in the bill may be noted.

9 ~~(7)~~(8) A fiscal note also may be requested, through the presiding officer, on a bill and on an  
 10 ~~amendment~~ amended bill by:

11 (a) a committee considering the bill;

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

14 (c) the chief sponsor, ~~through the presiding officer.~~

15 ~~(8)~~(9) The Budget Director shall make available on request to any member of the Legislature all  
 16 background information used in developing a fiscal note.

17 (10) If a bill requires a fiscal note, the bill may not be reported from a committee for second reading  
 18 unless the bill is accompanied by the fiscal note.

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

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

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

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

30 **40-120. Substitute bills.** (1) A committee may recommend that every clause in a bill be changed

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

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

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

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

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

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

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

21 (2) Copies of the engrossed bill to be distributed to members are reproduced on blue paper. If a  
22 bill is unamended by the Committee of the Whole and contains no clerical errors, it ~~may be engrossed~~  
23 ~~without reprinting~~ IS NOT REQUIRED TO BE REPRINTED. Only the first sheet must be reproduced on blue  
24 paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.

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

1 the original house. The original house may request from the second house a specified number of copies  
2 of the amendments to be printed.

3 **40-160. Enrolling.** (1) When a bill has passed both houses, it must be enrolled. An original and  
4 two duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches  
5 at the top and one inch on each side. In sections amending existing statutes, new matter must be  
6 underlined and deleted matter must be shown as stricken.

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

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

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

17 (a) enrolled;

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

19 (c) signed by the presiding officers; and

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

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

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

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

29 **40-170. Amendment by second house.** (1) Amendments to a bill by the second house may not  
30 be further amended by the house in which the bill originated, but must be either accepted or rejected. If

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

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

6 **40-180. Final action on a bill.** (1) When a bill being heard by the second house has received its  
7 third reading or has been rejected, the second house must transmit it as soon as possible to the original  
8 house with notice of the second house's action.

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

12 **40-190. Transmittal of bills between houses.** (1) Each house shall transmit to the other with any  
13 bill all relevant papers.

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

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

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

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

25 (c) (i) Revenue bills originating in the Senate must be transmitted to the House on or before the  
26 71st legislative day.

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

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

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

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

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

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

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

10 (b) Amendments to the resolutions must be transmitted to the house of origin no later than the  
11 82nd legislative day.

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

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

17 **40-210. Governor's veto.** (1) Except as provided in 40-65 and 40-180, each bill passed by the  
18 Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

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

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

21 (c) resolutions; and

22 (d) referendum measures of the Legislature.

23 (2) If the Governor does not sign or veto the bill within 5 10 days after its delivery ~~if the Legislature~~  
24 ~~is in session or within 25 days if the Legislature is adjourned~~, the bill becomes law.

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

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

29 (5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return  
30 the bill with reasons for the veto to the Legislature as provided by law. The Legislature may be polled on

1 a bill that it approved by two-thirds of the members present or it may be reconvened to reconsider any bill  
2 so vetoed (Montana Constitution, Art. VI, Sec. 10).

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 4 CHAPTER 60

##### 5 Rules

6 **60-10. Suspension of joint rule -- change in rules.** (1) A joint rule may be repealed or amended only  
 7 with the concurrence of both houses, under the procedures adopted by each house for the repeal or  
 8 amendment of its own rules.

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

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

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

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

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

18 **60-20. Reference to Mason's Manual.** Mason's Manual of Legislative Procedure (1989) governs  
 19 the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

20 **60-30. Publication and distribution of joint rules.** (1) The Legislative ~~Council~~ Services Division shall  
 21 codify and publish in one volume:

22 (a) the rules of the Senate;

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

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

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

#### 27 CHAPTER 70

##### 28 Statement of Legislative Intent

29 **70-10. Definition.** (1) For the purpose of compliance with the Legislative History Act (Title 5,  
 30 chapter 4, part 4, MCA), a statement of legislative intent regarding a bill must express the common

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

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

6 **70-20. Limitation.** A statement of intent may not accompany any bill that does not statutorily  
7 require one unless a committee (standing committee, Committee of the Whole, or conference committee)  
8 agrees by a two-thirds vote to attach the statement.

9 **70-30. Statement of intent to accompany bill -- when -- how.** A statement of intent must  
10 accompany a bill as follows:

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

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

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

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

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

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

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

29 -END-



1                                   SENATE JOINT RESOLUTION NO. 1  
2                                   INTRODUCED BY HARP  
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 REVISING THE JOINT LEGISLATIVE RULES.

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

## 1 SENATE JOINT RESOLUTION NO. 1

2 INTRODUCED BY HARP

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 REVISING THE JOINT LEGISLATIVE RULES.7  
8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
9 STATE OF MONTANA:10  
11 That the following Joint Rules be adopted:

## 12 JOINT RULES OF THE MONTANA 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~~ Long-distance telephone calls made by a member while  
2 the Legislature is in session or while the member is in travel status are considered official legislative  
3 business. These include, but are not limited to, calls made to constituencies, places of business, and family  
4 members.

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

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

11           **10-80. Joint employees.** The presiding officers of each house, acting together, shall:

12           (1) hire joint employees; and

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

15           **10-85. Harassment prohibited.** (1) Legislators and legislative employees have the right to work  
16 free of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas when  
17 performing services in furtherance of legislative responsibilities, whether the offender ~~be~~ is an employer,  
18 employee, legislator, lobbyist, or member of the public.

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

23           (3) If the offended party is an employee, the violation must be reported to the employee's  
24 supervisor or, if the offender is the supervisor, the report should be made to the chief clerk of the house  
25 of representatives or to the secretary of the senate, as appropriate.

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

28           (5) The chief clerk or the secretary shall report the violation to the presiding officer. The presiding  
29 officer may refer the matter to the rules committee. If the offender is an employee, the employee is subject  
30 to discipline or discharge.

1           **10-90. Legislative interns.** Qualifications for legislative interns are specified in Title 5, chapter 6,  
2 MCA.

3           **10-100. Legislative ~~Council~~ Services Division.** (1) The staff of the Legislative ~~Council~~ Services  
4 Division shall serve both houses as required.

5           (2) Staff members shall:

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

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

9           **10-110. Compensation of legislative employees.** The Legislature by joint resolution shall prescribe  
10 the compensation of the employees of each house.

11           **10-120. Engrossing and enrolling staff -- duties.** (1) The Legislative ~~Council~~ Services Division shall  
12 ~~hire~~ provide all engrossing and enrolling staff.

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

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

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

21           (i) errors in spelling;

22           (ii) errors in numbering sections;

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

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

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

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

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

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

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

30           (3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the

1 Secretary of the Senate or the Chief Clerk of the House and to the sponsor of the bill or amendment. The  
 2 sponsor shall sign the clerical form to acknowledge notification of the clerical correction. The signed form  
 3 must be filed in the office of the amendments coordinator. A party receiving notice may register an  
 4 objection to the correction by filing the objection in writing within 24 hours after receipt of the notice.

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

8 **10-130. Bills.** (1) A bill draft request must be sponsored by a member of the Legislature.

9 (2) A bill must be:

10 (a) printed on paper with numbered lines;

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

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

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

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

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

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

19 (6) An introduced bill may not be withdrawn.

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

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

27 **10-150. Recording and publication of voting.** (1) Every vote of each member on each substantive  
 28 question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made  
 29 public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the  
 30 names entered on the journal.

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

3 (a) amend;

4 (b) recommend passage or nonpassage;

5 (c) recommend concurrence or nonconcurrence; or

6 (d) indefinitely postpone.

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

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

13 **10-160. Journal.** Each house shall:

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

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

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

18 **10-170. Journals -- authentication -- availability.** (1) The journal of the Senate must be  
19 authenticated by the signature of the President and the journal of the House of Representatives by the  
20 signature of the Speaker.

21 (2) The Legislative ~~Council~~ Services Division shall make the completed journals available to the  
22 public (sections 5-11-201 through 5-11-203, MCA).

23 **CHAPTER 30**

24 **Committees**

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

27 **30-20. Voting in joint committees.** (1) Except for Rules Committees and conference committees,  
28 a member of a joint committee votes individually and not by the house to which the committee member  
29 belongs.

30 (2) Because the Rules Committees and conference committees are joint meetings of separate

1 committees, in those committees the committees from each house vote separately. A majority of each  
2 committee must agree before any action may be taken, unless otherwise specified by individual house rules.

3 **30-30. Conference committees.** (1) If either house requests a conference and appoints a  
4 committee for the purpose of discussing an amendment on which the two houses cannot agree, the other  
5 house shall appoint a committee for the same purpose. The time and place of all conference committee  
6 meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in  
7 order at any time. Failure to make this announcement does not affect the validity of the legislation being  
8 considered.

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

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

13 (b) further amendment of the disputed amendment.

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

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

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

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

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

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

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

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

30 **30-60. Estimation of revenue.** The Revenue Oversight Committee shall introduce a House joint

1 resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

2 ~~30-70. Oversight of joint legislative agencies and committees. The President of the Senate, the~~  
 3 ~~Speaker of the House, and the minority leaders of the Senate and the House comprise a legislative~~  
 4 ~~management committee which shall meet from time to time at the request of one of its members to review~~  
 5 ~~and oversee the activities of joint agencies and committees of the legislative branch established by law or~~  
 6 ~~resolution. The committee may consider, without limitation, matters concerning jurisdictional disputes~~  
 7 ~~between joint agencies and committees, agency salary schedules and employment policies, and any other~~  
 8 ~~matter bearing upon the efficient operation of the legislative branch. The committee may make such~~  
 9 ~~recommendations as it chooses to the appropriate authority or the Legislature.~~

## 10 CHAPTER 40

### 11 Legislation

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

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

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

19 **40-30. Effective dates.** (1) Except as provided in subsections (2) through (4), a statute takes effect  
 20 on October 1 following its passage and approval, unless a different time is prescribed ~~therein~~ in the enacting  
 21 legislation.

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

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

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

29 **40-40. Bill requests and introduction -- limits and procedures.** (1) Prior to a regular session, a  
 30 person entitled to serve in that session, hereafter referred to as a "member", is entitled to request bill



1 drafting services from the Legislative ~~Council~~ Services Division, subject to the following limits:

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

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

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

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

11 (i) Code Commissioner bills;

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

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

15 (2) The staff of the Legislative ~~Council~~ Services Division shall work on bill draft requests in the  
16 order received. After a member has requested the drafting of five bills, the sixth bill request and all  
17 subsequent bill requests of that member must receive a lower drafting priority than all other bills of  
18 members not in excess of five per member. A bill requested pursuant to subsection (5) must receive a  
19 lower drafting priority than all bills requested by members, unless the requesting member assigns that  
20 request to the member's five-request priority. A legislator draft must receive priority at each step of the  
21 drafting process. A legislator draft must be delivered to the Legislative Services Division by the 20th  
22 legislative day or the request is canceled. The staff of the Legislative ~~Council~~ Services Division shall assign  
23 a higher priority to any bill draft request when jointly directed by:

24 (a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and  
25 the minority leader of the House; or

26 (b) the House and the Senate.

27 (3) Bills and resolutions must be reviewed by the staff of the Legislative ~~Council~~ Services Division  
28 prior to introduction for proper format, style, and legal form. The staff of the Legislative ~~Council~~ Services  
29 Division shall store bills on the automated bill drafting equipment and shall print and deliver them in  
30 duplicate to the requesting members. The original bill cover must be signed to indicate review by the

1 Legislative ~~Council~~ Services Division. A bill may not be introduced unless it is so signed.

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

9 (5) Any bill proposed by a legislative committee or introduced by request of an administrative or  
10 executive agency or department must be so indicated by placing after the names of the sponsors the phrase  
11 "By Request of the..... (Name of committee or agency)". THE PHRASE MAY NOT BE ADDED TO AN  
12 INTRODUCED BILL AND MAY NOT BE PLACED ON A BILL WHOSE SUBJECT MATTER WAS REQUESTED  
13 BY AN AGENCY OR STATUTORY OR INTERIM COMMITTEE PRIOR TO THE CONVENING OF THE SESSION.  
14 A bill draft request submitted at the request of an agency or committee prior to December 23 must be  
15 requested by an individual member by December 23 or the request is placed on hold. After December 23,  
16 an agency or committee bill must be requested by an individual member. An agency or STATUTORY OR  
17 INTERIM committee bill request must be preintroduced or the request is canceled. PREINTRODUCTION  
18 MUST OCCUR NO LATER THAN 5 P.M. ON THE FIFTH WORKING DAY PRIOR TO THE CONVENING OF  
19 A LEGISLATIVE SESSION. PREINTRODUCTION IS ACCOMPLISHED WHEN THE LEGISLATIVE SERVICES  
20 DIVISION RECEIVES A SIGNED PREINTRODUCTION FORM. The preintroduction requirement does not  
21 apply to an office held by an elected official during the official's first year in that office.

22 (6) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the staff  
23 of the Legislative ~~Council~~ Services Division. Actual signatures of persons entitled to serve as members in  
24 the ensuing session may appear on the face of the preintroduced bill, or signatures may be obtained on a  
25 consent form from the Legislative ~~Council~~ Services Division and the sponsor's name printed on the bill.  
26 Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee  
27 report on the bill. These names will be forwarded to the Legislative ~~Council~~ Services Division to be included  
28 on the face of the bill following standing committee approval.

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

30 **40-50. Schedules for drafting requests and bill introduction.** The following schedules must be

1 followed for submission of drafting requests and introduction of bills and resolutions.

2 Request Deadline  
 3 5:00 P.M.  
 4 Legislative Day

5 \_\_\_\_\_  
 6 ● General Bills and Resolutions 10

7 ● Revenue Bills 17

8 ● Committee Bills and Resolutions 36

9 ● Committee Revenue Bills 62

10 ● Committee Bills implementing provisions 75

11 of a general appropriation act

12 ● Bills and Resolutions must be introduced within

13 2 legislative days after delivery.

14 ● Appropriation Bills No Deadline

15 ● Interim study resolutions 75

16 ● Resolutions to express confirmation of No Deadline

17 appointments

18 ● Bills repealing or directing the amendment No Deadline

19 or adoption of administrative rules and

20 joint resolutions advising or requesting

21 the repeal, amendment, or adoption of

22 administrative rules

23 **40-60. Joint resolutions.** (1) A joint resolution must be adopted by both houses and is not  
 24 approved by the Governor. It may be used to:

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

26 (b) request, but not require, a legislative entity to conduct an interim study;

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

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

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

30 (f) deal with disasters and emergencies under Title 10, specifically as provided in sections

1 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

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

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

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

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

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

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

11 **40-65. Appropriation required for bills requesting interim studies.** A bill including a request for an  
12 interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient  
13 to conduct the study. A fiscal note may be requested for a bill requesting an interim study if the  
14 appropriation does not appear to be sufficient.

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

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

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

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

26 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of  
27 a committee of the Legislature having ~~an~~ a potential effect on the revenues, expenditures, or fiscal liability  
28 of the state, local governments, or public schools, except appropriation measures carrying specific dollar  
29 amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Council  
30 Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may

1 be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who,  
2 at the time of introduction or after adoption of substantive amendments to an introduced bill, shall  
3 determine the need for the note, based on the Legislative ~~Council~~ Services Division staff recommendation.

4 (2) Unless the ~~requesting member~~ chief sponsor directs otherwise, the Legislative ~~Council~~ Services  
5 Division shall ~~deliver three copies~~ make available an electronic copy of any bill for which it has been  
6 determined a fiscal note may be necessary to the ~~state~~ Budget Director immediately after the bill has been  
7 prepared for introduction and delivered to the requesting member. The Budget Director may proceed with  
8 the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial  
9 implications for a local government or school district must comply with subsection (4).

10 (3) The Budget Director, in cooperation with the ~~agency or agencies~~ governmental entity or entities  
11 affected by the bill, is responsible for the preparation of the fiscal note. ~~The~~ Except as provided in  
12 subsection (4), the Budget Director shall return the fiscal note within 6 days unless further time is granted  
13 by the presiding officer or committee making the request, based upon a written statement from the Budget  
14 Director that additional time is necessary to properly prepare the note.

15 (4) (a) A bill that may require a local government or school district to perform an activity or provide  
16 a service or facility that requires the direct expenditure of additional funds without a specific means to  
17 finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be  
18 accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect  
19 fiscal impacts on the local government or school district. The estimate of the fiscal impacts must be  
20 prepared by the Budget Director in cooperation with a local government or school district affected by the  
21 bill.

22 (b) The Budget Director has 8 days to prepare the estimate unless further time is granted by the  
23 presiding officer, based upon a written statement from the Budget Director that additional time is necessary  
24 to properly prepare the estimate. Upon completion of the estimate, the Budget Director shall submit it to  
25 the presiding officer and the chief sponsor of the bill.

26 ~~{4}~~(5) A completed fiscal note must be submitted by the Budget Director to the presiding officer  
27 who requested it. ~~The presiding officer shall refer it to the committee considering the bill.~~ The presiding  
28 officer shall notify the bill's chief sponsor of the completed fiscal note and request the chief sponsor's  
29 signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to discuss  
30 the findings with the Budget Director, if necessary. All After the legislative day has elapsed, all fiscal notes

1 must be reproduced and placed on the members' desks, either with or without the chief sponsor's  
 2 signature.

3 ~~(5)(6)~~ A fiscal note must, if possible, show in dollar amounts:

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

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

6 (c) long-range financial implications.

7 ~~(6)(7)~~ The fiscal note may not include any comment or opinion relative to merits of the bill.

8 However, technical or mechanical defects in the bill may be noted.

9 ~~(7)(8)~~ A fiscal note also may be requested, through the presiding officer, on a bill and on an  
 10 ~~amendment~~ amended bill by:

11 (a) a committee considering the bill;

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

14 (c) the chief sponsor, ~~through the presiding officer.~~

15 ~~(8)(9)~~ The Budget Director shall make available on request to any member of the Legislature all  
 16 background information used in developing a fiscal note.

17 (10) If a bill requires a fiscal note, the bill may not be reported from a committee for second reading  
 18 unless the bill is accompanied by the fiscal note.

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

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

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

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

30 **40-120. Substitute bills.** (1) A committee may recommend that every clause in a bill be changed

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

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

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

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

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

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

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

21 (2) Copies of the engrossed bill to be distributed to members are reproduced on blue paper. If a  
22 bill is unamended by the Committee of the Whole and contains no clerical errors, it ~~may be engrossed~~  
23 ~~without reprinting~~ IS NOT REQUIRED TO BE REPRINTED. Only the first sheet must be reproduced on blue  
24 paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.

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

1 the original house. The original house may request from the second house a specified number of copies  
2 of the amendments to be printed.

3 **40-160. Enrolling.** (1) When a bill has passed both houses, it must be enrolled. An original and  
4 two duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches  
5 at the top and one inch on each side. In sections amending existing statutes, new matter must be  
6 underlined and deleted matter must be shown as stricken.

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

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

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

17 (a) enrolled;

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

19 (c) signed by the presiding officers; and

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

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

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

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

29 **40-170. Amendment by second house.** (1) Amendments to a bill by the second house may not  
30 be further amended by the house in which the bill originated, but must be either accepted or rejected. If



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

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

6 **40-180. Final action on a bill.** (1) When a bill being heard by the second house has received its  
7 third reading or has been rejected, the second house must transmit it as soon as possible to the original  
8 house with notice of the second house's action.

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

12 **40-190. Transmittal of bills between houses.** (1) Each house shall transmit to the other with any  
13 bill all relevant papers.

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

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

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

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

25 (c) (i) Revenue bills originating in the Senate must be transmitted to the House on or before the  
26 71st legislative day.

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

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

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

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

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

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

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

10 (b) Amendments to the resolutions must be transmitted to the house of origin no later than the  
11 82nd legislative day.

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

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

17 **40-210. Governor's veto.** (1) Except as provided in 40-65 and 40-180, each bill passed by the  
18 Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

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

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

21 (c) resolutions; and

22 (d) referendum measures of the Legislature.

23 (2) If the Governor does not sign or veto the bill within ~~5~~ 10 days after its delivery ~~if the Legislature~~  
24 ~~is in session or within 25 days if the Legislature is adjourned~~, the bill becomes law.

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

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

29 (5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return  
30 the bill with reasons for the veto to the Legislature as provided by law. The Legislature may be polled on

1 a bill that it approved by two-thirds of the members present or it may be reconvened to reconsider any bill  
2 so vetoed (Montana Constitution, Art. VI, Sec. 10).

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

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

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

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

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

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

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

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

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

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

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

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

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

## 4 CHAPTER 60

### 5 Rules

6 **60-10. Suspension of joint rule -- change in rules.** (1) A joint rule may be repealed or amended only  
7 with the concurrence of both houses, under the procedures adopted by each house for the repeal or  
8 amendment of its own rules.

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

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

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

- 16 (a) one copy of all motions or resolutions amending Senate, House, or joint rules; and
- 17 (b) copies of all minutes and reports of the Rules Committees.

18 **60-20. Reference to Mason's Manual.** Mason's Manual of Legislative Procedure (1989) governs  
19 the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

20 **60-30. Publication and distribution of joint rules.** (1) The Legislative ~~Council~~ Services Division shall  
21 codify and publish in one volume:

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

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

## 27 CHAPTER 70

### 28 Statement of Legislative Intent

29 **70-10. Definition.** (1) For the purpose of compliance with the Legislative History Act (Title 5,  
30 chapter 4, part 4, MCA), a statement of legislative intent regarding a bill must express the common

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

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

6 **70-20. Limitation.** A statement of intent may not accompany any bill that does not statutorily  
7 require one unless a committee (standing committee, Committee of the Whole, or conference committee)  
8 agrees by a two-thirds vote to attach the statement.

9 **70-30. Statement of intent to accompany bill -- when -- how.** A statement of intent must  
10 accompany a bill as follows:

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

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

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

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

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

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

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

29 -END-