

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 **** Joint Resolution No. ****

2 Introduced By *****

3 By Request of the *****

4

5 A Joint Resolution of the Senate and the House of Representatives
6 of the State of Montana adopting the joint legislative rules.

7

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

10 That the following Joint Rules be adopted:

11 **JOINT RULES OF THE MONTANA**

12 **SENATE AND HOUSE OF REPRESENTATIVES**

13 **CHAPTER 10**

14 **Administration**

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

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

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

23 **10-30. Schedules.** The presiding officer of each house shall
24 coordinate its schedule to accommodate the workload of the other
25 house.

26 **10-40. Adjournment -- recess -- meeting place.** A house may
27 not, without the consent of the other, adjourn or recess for more

1 than 3 days or to any place other than that in which the two
2 houses are sitting (Montana Constitution, Art. V, Sec. 10(5)).
3 The procedure for obtaining consent is contained in Joint Rule
4 20-10.

5 **10-50. Access of media -- registration -- decorum --**
6 **sanctions.** (1) Subject to the presiding officer's discretion on
7 issues of decorum and order, a registered media representative
8 may not be prohibited from photographing, televising, or
9 recording a legislative meeting or hearing.

10 (2) The presiding officer shall authorize the issuance of
11 cards to media representatives to allow floor access, and media
12 representatives holding the cards are subject to placement on the
13 floor by the presiding officer. The presiding officer may
14 delegate enforcement of this rule to the office of the Secretary
15 of the Senate, Chief Clerk of the House, the respective
16 Sergeant-at-Arms, or the Legislative Information Officer. The
17 privilege may be revoked or suspended for a violation of decorum
18 and order as agreed to by the media representative upon
19 application for registration.

20 (3) Registered media representatives may be subject to
21 seating in designated areas. Overflow access will be in the
22 gallery.

23 **10-60. Conflict of interest.** A member who has a personal or
24 private interest in any measure or bill proposed or pending
25 before the Legislature shall disclose the fact to the house to
26 which the member belongs.

27 **10-70. Telephone calls and internet access.** (1)

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 Long-distance telephone calls made by a member on a state
2 telephone while the Legislature is in session or while the member
3 is in travel status are considered official legislative business.
4 These include but are not limited to calls made to
5 constituencies, places of business, and family members. A
6 member's access to the internet through a permissible server is a
7 proper use of the state communication system if the use is for
8 legislative business or is within the scope of permissible use of
9 long-distance telephone calls.

10 (2) Session staff, including aides, may use state
11 telephones for long-distance calls only if specifically
12 authorized to do so by their legislative sponsor or supervisor.
13 Sponsoring members and supervisors are accountable for use of
14 state telephones and internet access by their staff, including
15 aides, and may not authorize others to use state phones or state
16 servers to access the internet.

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

19 (4) For purposes of this section, "state telephone" or
20 "state phone" means a landline telephone or other telephone
21 provided by the state.

22 **10-80. Joint employees.** The presiding officers of each
23 house, acting together, shall:

24 (1) hire joint employees; and

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

1 **10-85. Harassment Discrimination, harassment, and**
2 **retaliation prohibited -- reporting adoption of policy.** ~~(1)~~
3 ~~Legislators and legislative employees, have the right to work~~
4 ~~free of harassment on account of race, creed, color, sex,~~
5 ~~culture, social origin or condition, or religious ideas when~~
6 ~~performing services in furtherance of legislative~~
7 ~~responsibilities, whether the offender is an employer, employee,~~
8 ~~legislator, lobbyist, or member of the public.~~

9 (1) Legislators, legislative employees, and all participants
10 in the legislative process have the right to work free of
11 discrimination, harassment, and retaliation on account of race,
12 creed, color, sex, sexual orientation, age, pregnancy,
13 disability, genetic information, gender identity or expression,
14 marital status, military service, veteran status, citizenship,
15 culture, social origin or condition, or religious ideas when
16 performing services in furtherance of legislative
17 responsibilities, whether the offender is an employer, employee,
18 legislator, lobbyist, or member of the public or media.

19 (2) The policy of the Montana Legislature prohibiting
20 discrimination, harassment, and retaliation, as adopted by the
21 Legislative Council, must be shared with members and staff during
22 orientation and training and published separately as an appendix
23 to the Joint Rules.

24 ~~(2) A violation of this policy must be reported to the~~
25 ~~party leader in the appropriate house if the offended party is a~~
26 ~~legislator or to the presiding officer if the offended party is~~
27 ~~the party leader. The presiding officer may refer the matter to~~

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 ~~the rules committee of the applicable house, and the offender is~~
2 ~~subject to discipline or censure, as appropriate.~~

3 ~~—— (3) If the offended party is an employee of the house of~~
4 ~~representatives or the senate, the violation must be reported to~~
5 ~~the employee's supervisor or, if the offender is the supervisor~~
6 ~~for the house of representatives or the senate, the report should~~
7 ~~be made to the chief clerk of the house of representatives or to~~
8 ~~the secretary of the senate, as appropriate. If the offended~~
9 ~~party is a permanent legislative employee, the report should be~~
10 ~~made to the employee's supervisor or, if the offender is the~~
11 ~~supervisor, to the appropriate division director. If the offender~~
12 ~~is a division director, the report should be made to the~~
13 ~~presiding officer of the appropriate statutory committee.~~

14 ~~—— (4) If the offended party is a supervisor for the house of~~
15 ~~representatives or the senate, the violation must be reported to~~
16 ~~the chief clerk of the house of representatives or to the~~
17 ~~secretary of the senate, as appropriate. If the offended party~~
18 ~~is a supervisor of permanent legislative employees, the violation~~
19 ~~must be reported to the appropriate division director. If the~~
20 ~~offender is a division director, the report should be made to the~~
21 ~~presiding officer of the appropriate statutory committee.~~

22 ~~—— (5) The chief clerk or the secretary shall report the~~
23 ~~violation to the presiding officer. The presiding officer may~~
24 ~~refer the matter to the rules committee. If the offender is an~~
25 ~~employee or supervisor, the employee or supervisor is subject to~~
26 ~~discipline or discharge.~~

27 **10-100. Legislative Services Division.** (1) The staff of the

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 Legislative Services Division shall serve both houses as
2 required.

3 (2) Staff members shall:

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

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

7 (3) The Legislative Services Division shall train journal
8 clerks for both houses.

9 **10-120. Engrossing and enrolling staff -- duties.** (1) The
10 Legislative Services Division shall provide all engrossing and
11 enrolling staff.

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

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

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

23 (i) errors in spelling;

24 (ii) errors in numbering sections;

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

27 (iv) material copied incorrectly from the Montana Code

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 Annotated;

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

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

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

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

6 and

7 (ix) other nonconformities of an amendment with Bill

8 Drafting Manual form.

9 (3) The engrossing and enrolling staff shall give notice in
10 writing of the clerical correction to the Secretary of the Senate
11 or the Chief Clerk of the House, who shall give notice to the
12 sponsor of the bill or amendment. The form must be filed in the
13 office of the amendments coordinator. A party receiving notice
14 may register an objection to the correction by filing the
15 objection in writing with the Secretary of the Senate or the
16 Chief Clerk of the House by the end of the next legislative day
17 following receipt of the notice. The Senate or House shall vote
18 on whether or not to uphold the objection. If the objection is
19 upheld, the Secretary of the Senate or the Chief Clerk of the
20 House shall notify the Executive Director of the Legislative
21 Services Division, and the engrossing staff shall change the bill
22 to remove the correction or corrections to which the objection
23 was made.

24 (4) For the purposes of this rule, "engrossing" means
25 placing amendments in a bill.

26 **10-130. Bills -- sponsorship -- style -- format.** (1) A bill
27 must be sponsored by a member of the Legislature.

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 (2) A bill must be:
2 (a) printed on paper with numbered lines;
3 (b) numbered at the foot of each page (except page 1);
4 (c) backed with a page of substantial material that
5 includes spaces for notations for tracking the progress of the
6 bill; and

7 (d) introduced. Introduction constitutes the first reading
8 of the bill.

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

12 (4) (a) Except as provided in subsection (4)(b), sections
13 of the Montana Code Annotated repealed or amended in a bill must
14 be stated in the title.

15 (b) (i) Sections of the Montana Code Annotated repealed or
16 amended in a legislative referendum must be stated in the title
17 unless the inclusion of those sections in the title would cause
18 the title to cumulatively exceed a 100-word limit.

19 (ii) If the inclusion of sections of the Montana Code
20 Annotated repealed or amended in a legislative referendum title
21 would cause the title to cumulatively exceed 100 words, the title
22 must include those sections that do not exceed the 100-word limit
23 and include a reference to the total number of additional
24 sections listed in the body of the bill that are excluded from
25 the title due to the 100-word limit. Those additional sections
26 excluded from the title must be listed in a section within the
27 body of the bill after the enacting clause.

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

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

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

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

15 (3) This rule does not prevent a committee from tabling a
16 bill proposing an amendment to The Constitution of the State of
17 Montana.

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

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

27 (i) amend;

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

- 1 (ii) recommend passage or nonpassage;
- 2 (iii) recommend concurrence or nonconcurrence; or
- 3 (iv) indefinitely postpone.

4 (b) The text of all proposed amendments in Committee of the
5 Whole must be recorded.

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

9 (4) Roll call votes and other votes that are to be made
10 public but are not specifically required to be spread upon the
11 journal must be entered in the minutes of the appropriate
12 committee or of the appropriate house (Montana Constitution, Art.
13 V, Sec. 11(2)). A copy of the minutes must be filed with the
14 Montana Historical Society. If electronically recorded minutes
15 are kept for a committee, a written log must also be kept that
16 includes but is not limited to:

- 17 (a) the date, time, and place of the meeting;
- 18 (b) a list of the individual members of the public body,
19 agency, or organization who were in attendance;
- 20 (c) all matters proposed, discussed, or decided; and
- 21 (d) at the request of any member, a record of votes by
22 individual members for any votes taken.

23 **10-160. Journal.** Each house shall:

24 (1) supply the Legislative Services Division with the
25 contents of the daily journal to be stored on an automated
26 system;

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

1 and

2 (3) make a daily journal available to all members.

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

7 (2) The Legislative Services Division shall make the
8 completed journals available to the public.

9 **CHAPTER 20**

10 **Relations With Other House**

11 **20-10. Consent for adjournment or recess.** As required by
12 Article V, section 10(5), of the Montana Constitution, the
13 consent of the other house is required for adjournment or recess
14 for more than 3 calendar days. Consent for adjournment is
15 obtained by having the house wishing to adjourn send a message to
16 the other house and having the receiving house vote favorably on
17 the request. The receiving house shall inform the requesting
18 house of its consent or lack of consent. Consent is not required
19 on or after the 87th legislative day.

20 **CHAPTER 30**

21 **Committees**

22 **30-10. Joint committee chair -- exception.** Except as
23 provided in Joint Rule 30-50 concerning the joint meetings of the
24 Senate Finance and Claims Committee and the House Appropriations
25 Committee, the chair of the Senate committee is the chair of all
26 joint committees.

27 **30-20. Voting in joint committees -- exception.** (1) Except

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

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

9 **30-30. Conference committees -- subject matter restrictions.**

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

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

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

26 (b) further amendment of the disputed amendment.

27 (3) If either house requests a free conference committee

1 and the other house concurs, appointments must be made in the
2 same manner as provided in subsection (1). A free conference
3 committee may discuss and propose amendments to a bill in its
4 entirety and is not confined to a particular amendment. However,
5 a free conference committee is limited to consideration of
6 amendments that are within the scope of the title of the
7 introduced bill.

8 **30-40. Conference committee -- enrolling.** A conference
9 committee report must give clerical instructions for a corrected
10 reference bill and for enrolling by referring to the reference
11 bill version.

12 **30-50. Committee consideration of general appropriation**
13 **bills.** (1) All general appropriation bills must first be
14 considered by a joint subcommittee composed of designated members
15 of the Senate Finance and Claims Committee and the House
16 Appropriations Committee, and then by each committee separately.

17 (2) Joint meetings of the House Appropriations Committee
18 and the Senate Finance and Claims Committee must be held upon
19 call of the chair of the House Appropriations Committee, who is
20 chair of the joint committee.

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

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

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

1 (c) the chair is present for the vote at the time that a
2 question is called. A vote may not be held open to facilitate
3 voting by a chair.

4 **30-60. Estimation of revenue.** (1) The Revenue and
5 Transportation Interim Committee shall introduce a House joint
6 resolution for the purpose of estimating revenue that may be
7 available for appropriation by the Legislature.

8 (2) (a) The committee must have prepared by December 1 for
9 introduction during each regular session of the Legislature in
10 which a revenue bill is under consideration an estimate of the
11 amount of revenue projected to be available for legislative
12 appropriation.

13 (b) The committee may prepare for introduction during a
14 special session of the Legislature in which a revenue bill or an
15 appropriation bill is under consideration an estimate of the
16 amount of projected revenue. The revenue estimate is considered a
17 subject specified in the call of a special session.

18 **30-70. Appointment of interim committees.** As provided for
19 in section 5-5-211(6), MCA, 50% of interim committees must be
20 selected from the following legislative standing committees:

21 (1) Economic Affairs Interim Committee:

22 (a) Senate Agriculture, Livestock, and Irrigation
23 Committee;

24 (b) Senate Business, Labor, and Economic Affairs Committee;

25 (c) Senate Finance and Claims Committee;

26 (d) House Agriculture Committee;

27 (e) House Business and Labor Committee;

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

- 1 (f) House Energy, Technology, and Federal Relations
2 Committee; and
- 3 (g) House Appropriations Committee;
- 4 (2) Education and Local Government Interim Committee:
- 5 (a) Senate Education and Cultural Resources Committee;
- 6 (b) Senate Local Government Committee;
- 7 (c) Senate Finance and Claims Committee;
- 8 (d) House Education Committee;
- 9 (e) House Local Government Committee; and
- 10 (f) House Appropriations Committee;
- 11 (3) Children, Families, Health, and Human Services Interim
12 Committee:
- 13 (a) Senate Public Health, Welfare, and Safety Committee;
- 14 (b) Senate Finance and Claims Committee;
- 15 (c) House Human Services Committee; and
- 16 (d) House Appropriations Committee;
- 17 (4) Law and Justice Interim Committee:
- 18 (a) Senate Judiciary Committee;
- 19 (b) Senate Finance and Claims Committee;
- 20 (c) House Judiciary Committee; and
- 21 (d) House Appropriations Committee;
- 22 (5) Revenue and Transportation Interim Committee:
- 23 (a) Senate Taxation Committee;
- 24 (b) Senate Highways and Transportation Committee;
- 25 (c) Senate Finance and Claims Committee;
- 26 (d) House Taxation Committee;
- 27 (e) House Transportation Committee; and

- 1 (f) House Appropriations Committee;
- 2 (6) State Administration and Veterans' Affairs Interim
- 3 Committee:
- 4 (a) Senate State Administration Committee;
- 5 (b) Senate Finance and Claims Committee;
- 6 (c) House State Administration Committee; and
- 7 (d) House Appropriations Committee;
- 8 (7) Energy and Telecommunications Interim Committee:
- 9 (a) Senate Energy Committee;
- 10 (b) House Energy, Technology, and Federal Relations
- 11 Committee;
- 12 (c) House Appropriations Committee; and
- 13 (d) Senate Finance and Claims Committee.

14 **30-80. Appointment of committees other than standing or**
15 **statutory interim committees.** Members of committees other than
16 standing or statutory interim committees shall be appointed in
17 accordance with the rules of each house.

18 **CHAPTER 40**

19 **Legislation**

20 **40-10. Amendment to state constitution.** A bill must be used
21 to propose an amendment to The Constitution of the State of
22 Montana. The bill is not subject to the veto of the Governor
23 (Montana Constitution, Art. VI, Sec. 10(1)).

24 **40-20. Appropriation bills -- introduction in House -- feed**
25 **bill.** (1) All appropriation bills must originate in the House of
26 Representatives.

27 (2) Appropriation bills for the operation of the

1 Legislature must be introduced by the chair of the House
2 Appropriations Committee.

3 **40-30. Effective dates.** (1) Except as provided in
4 subsections (2) through (4), a statute takes effect on October 1
5 following its passage and approval unless a different time is
6 prescribed in the enacting legislation.

7 (2) A law appropriating public funds for a public purpose
8 takes effect on July 1 following its passage and approval unless
9 a different time is prescribed in the enacting legislation.

10 (3) A statute providing for the taxation or imposition of a
11 fee on motor vehicles takes effect on the first day of January
12 following its passage and approval unless a different time is
13 prescribed in the enacting legislation.

14 (4) A joint resolution takes effect on its passage unless a
15 different time is prescribed in the joint resolution.

16 **40-40. Bill requests and introduction -- limits and**
17 **procedures -- drafting priority -- agency and committee bills.**

18 (1) Prior to a regular session, a person entitled to serve in
19 that session, referred to as a "member", or a legislative
20 committee is entitled to request bill drafting services from the
21 Legislative Services Division. Deadlines for requesting certain
22 types of bills during a legislative session are contained in
23 Joint Rule 40-50.

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

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

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

6 (c) After December 5, a member, in the member's discretion,
7 may grant to any other member any of the remaining bill or
8 resolution requests the granting member has not used. A bill
9 requested by an individual may not be transferred to another
10 legislator but may be introduced by another legislator. The
11 requestor must pick up the bill and sign a receipt indicating
12 delivery of the bill and may either introduce the bill or give
13 the bill to another legislator for introduction.

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

16 (i) Code Commissioner bills;

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

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

21 (2) (a) Except as provided in subsection (2) (b) or this
22 subsection, the staff of the Legislative Services Division shall
23 work on bill draft requests in the order received. After a member
24 has requested the drafting of five bills, the sixth bill request
25 and all subsequent bill requests of that member must receive a
26 lower drafting priority than all other bills of members not in
27 excess of five per member. The Speaker of the House, the minority

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 leader of the House, the President of the Senate, and the
2 minority leader of the Senate may each direct the staff of the
3 Legislative Services Division to assign a higher priority to 20
4 draft requests. The staff of the Legislative Services Division
5 shall assign a higher priority to any bill draft request when
6 jointly directed by the President of the Senate, the minority
7 leader of the Senate, the Speaker of the House, and the minority
8 leader of the House.

9 (b) Except for bill draft requests described in subsection
10 (1)(d)(iii), if a draft bill has not been received by the
11 Legislative Services Division by November 15 for a bill by
12 request of an agency or entity, the draft loses its priority
13 under this rule.

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

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

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 first on the bill is a member. The chief joint sponsor's name
2 must appear immediately to the right of the first sponsor's name,
3 and the chief sponsor may not be changed. Except as provided in
4 subsection (4) (b), in each session of the Legislature, bills,
5 joint resolutions, and simple resolutions must be numbered
6 consecutively in separate series in the order of their receipt.

7 (b) The first 15 House bills may be reserved for
8 preintroduced bills.

9 (5) (a) Except as provided in subsection (5) (b) (ii), any
10 bill requested by an interim or statutory legislative committee
11 or on behalf of an administrative or executive agency or
12 department through an interim or statutory committee must be so
13 indicated by placing after the names of the sponsors the phrase
14 "By Request of the..... (Name of committee or agency)". The
15 phrase may not be added to an introduced bill by amendment. The
16 phrase may not be placed on a bill unless requested by a
17 statutory or interim committee prior to the convening of the
18 session. Unless requested by an individual member, a bill draft
19 request submitted at the request of an agency must be submitted
20 to, reviewed by, and requested by the appropriate interim or
21 statutory committee. Except as provided in subsection (5) (b), an
22 agency or committee bill request must be preintroduced or the
23 request is canceled. Preintroduction of an agency, committee, or
24 individual legislator's bill must occur no later than 5 p.m. on
25 December 15th prior to the convening of a regular legislative
26 session. Preintroduction is accomplished when the Legislative
27 Services Division receives a signed preintroduction form.

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 (b) (i) The preintroduction requirement does not apply to
2 an office held by an elected official during the official's first
3 year in that office or to bills requested by a joint select or
4 joint special committee appointed prior to the convening of the
5 legislative session to address a specific issue. Bills requested
6 under this subsection (5)(b) may include the phrase "By Request
7 of.....(Name of official or committee)".

8 (ii) An official newly elected to a statewide office may
9 request in writing that the Legislative Services Division remove
10 the phrase "By Request of" from bills requested by the
11 outgoing official of that office.

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

40-50. Schedules for drafting requests and bill

22 **introduction.** (1) The following schedule must be followed for
23 submission of drafting requests.
24

25 Request Deadline

26 5:00 P.M.

27 Legislative Day

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1		
2	● General Bills and Resolutions	12
3	● Revenue Bills	17
4	● Committee Bills and Resolutions	36
5	● Committee Revenue Bills and Bills Proposing Referenda	62 <u>56</u>
6	● Committee Bills implementing provisions	67
7	of a general appropriation act	
8	● Interim study resolutions	60
9	● Appropriation Bills	45
10	● Resolutions to express confirmation of	No Deadline
11	appointments	
12	● Bills repealing or directing the amendment	No Deadline
13	or adoption of administrative rules and	
14	joint resolutions advising or requesting	
15	the repeal, amendment, or adoption of	
16	administrative rules	
17	(2) (a) A bill or resolution must be introduced at least 6	
18	legislative days prior to the applicable transmittal deadline as	
19	provided in Joint Rule 40-200 except for:	
20	(i) a session committee bill or resolution;	
21	(ii) a bill repealing or directing the amendment or adoption	
22	of administrative rules;	
23	(iii) a joint resolution advising or requesting the repeal,	
24	amendment, or adoption of administrative rules; or	
25	(iv) a resolution expressing confirmation.	
26	(b) Bills and resolutions must be introduced within 2	
27	legislative days after delivery. Failure to comply with the	

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 introduction deadline results in the bill draft being canceled.

2 **40-60. Joint resolutions.** (1) A joint resolution must be
3 adopted by both houses and is not approved by the Governor. It
4 may be used to:

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

7 (b) recognize relations with other governments, sister
8 states, political subdivisions, or similar governmental entities;

9 (c) request, but not require, a legislative entity to
10 conduct an interim study;

11 (d) adopt, amend, or repeal the joint rules;

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

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

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

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

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

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

25 (k) approve the organization of a new community college
26 district under section 20-15-209, MCA.

27 (2) A joint resolution may not be used for purposes of

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 congratulating or recognizing an individual or group achievement.
2 Recognition of individual or group achievements is handled on
3 special orders of the day.

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

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

10 **40-65. Appropriation required for bills requesting interim**
11 **studies.** (1) A bill including a request for an interim study may
12 not be transmitted to the Governor unless the bill contains an
13 appropriation sufficient to conduct the study. The bill must
14 include a contingent voidness section that would void the bill if
15 an appropriation is not included. A fiscal note may be requested
16 for a bill requesting an interim study if the appropriation does
17 not appear to be sufficient.

18 (2) A Senator may introduce a bill that includes a request
19 for an interim study in the Senate without an appropriation, but
20 the bill may not be transmitted to the Governor unless the bill
21 contains an appropriation added in the House that is sufficient
22 to conduct the study.

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

1 reception.

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

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

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

12 **40-100. Fiscal notes.** (1) All bills reported out of a
13 committee of the Legislature, including interim committees,
14 having a potential effect on the revenues, expenditures, or
15 fiscal liability of the state, local governments, or public
16 schools, except appropriation measures carrying specific dollar
17 amounts, must include a fiscal note incorporating an estimate of
18 the fiscal effect. The Legislative Services Division staff shall
19 indicate at the top of each bill prepared for introduction that a
20 fiscal note may be necessary under this rule. Fiscal notes must
21 be requested by the presiding officer of either house, who, at
22 the time of introduction or after adoption of substantive
23 amendments to an introduced bill, shall determine the need for
24 the note, based on the Legislative Services Division staff
25 recommendation.

26 (2) The Legislative Services Division shall make available
27 an electronic copy of any bill for which it has been determined a

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

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

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

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

26 (b) The Budget Director has 10 days to prepare the
27 estimate. Upon completion of the estimate, the Budget Director

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 shall submit it to the presiding officer and the chief sponsor of
2 the bill.

3 (5) A completed fiscal note must be submitted by the Budget
4 Director to the presiding officer who requested it. The presiding
5 officer shall notify the bill's chief sponsor of the completed
6 fiscal note and request the chief sponsor's signature. The chief
7 sponsor has 1 legislative day after delivery to review the fiscal
8 note and to discuss the findings with the Budget Director, if
9 necessary. After the legislative day has elapsed, all fiscal
10 notes must be reproduced and placed on the members' desks, either
11 with or without the chief sponsor's signature.

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

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

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

18 (c) long-range financial implications.

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

22 (8) A fiscal note also may be requested, with the approval
23 of the presiding officer, on a bill and on an amended bill by:

24 (a) a committee considering the bill;

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

27 (c) the chief sponsor.

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 (9) The Budget Director shall prepare and deliver an
2 amended fiscal note on an amended bill within 3 days of the
3 request by the presiding officer; otherwise the bill may proceed
4 without the updated fiscal note.

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

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

11 (12) (a) If the budget director fails to prepare and submit
12 a fiscal note in a timely fashion in accordance with this rule,
13 the presiding officer of each house may request the preparation
14 of a fiscal note by the Legislative Fiscal Division, which shall
15 prepare a fiscal note for the bill.

16 (b) The presiding officer of the originating chamber shall
17 designate which fiscal note accompanies the bill or is used in
18 the preparation of the status sheet if more than one fiscal note
19 is prepared.

20 **40-110. Sponsor's fiscal note rebuttal.** (1) If a sponsor
21 elects to prepare a sponsor's fiscal note rebuttal, the sponsor
22 shall make the election as provided and return the completed
23 sponsor's fiscal note rebuttal form to the presiding officer
24 within 4 days of the election. The form must identify the bill
25 number, the sponsor of the bill, the date prepared, the version
26 of the fiscal note being rebutted, the reasons the sponsor
27 disagrees with the fiscal note, the items or assumptions in the

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 fiscal note that the sponsor believes are incorrect, and the
2 sponsor's estimate of the fiscal impact, if an estimate is
3 available.

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

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

11 (4) The Legislative Services Division shall provide forms
12 for preparation of sponsors' fiscal note rebuttals and shall
13 print the completed sponsors' fiscal note rebuttal forms on a
14 different color paper than the fiscal notes prepared by the
15 Budget Director.

16 **40-120. Substitute bills.** (1) A committee may recommend that
17 every clause in a bill be changed and that entirely new material
18 be substituted so long as the new material is relevant to the
19 title and subject of the original bill. The substitute bill is
20 considered an amendment and not a new bill.

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

26 (3) If a committee report is adopted that recommends a
27 substitute for a bill originating in the other house, the

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 substitute bill must be printed and reproduced.

2 **40-130. Reading of bills.** Prior to passage, a bill, other
3 than a bill requested by a joint select or joint special
4 committee as provided in 40-40(5)(b), must be read three times in
5 the house in which it is under consideration. It may be read
6 either by title or by summary of title. Introduction constitutes
7 the first reading of the bill.

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

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

17 (3) A bill requested by and heard by a joint select or
18 joint special committee, as provided in 40-40(5)(b), may be
19 referred directly to second reading. If the bill is passed by the
20 house of origin, the bill must be transmitted to the other house,
21 and if the bill was not amended, it may be placed on second
22 reading without the need for referral to a committee.

23 **40-150. Engrossing.** (1) When a bill has been reported
24 favorably by Committee of the Whole of the house in which it
25 originated and the report has been adopted, the bill must be
26 engrossed if the bill is amended. Committee of the Whole
27 amendments must be included in the engrossed bill. If the bill is

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 not amended, the bill must be sent to printing. The bill must be
2 placed on the calendar for third reading on the legislative day
3 after receipt.

4 (2) Copies of the engrossed bill to be distributed to
5 members are reproduced on blue paper. If a bill is unamended by
6 the Committee of the Whole and contains no clerical errors, it is
7 not required to be reprinted. Only the first sheet must be
8 reproduced on blue paper, with the remainder of the text
9 incorporated by reference to the preceding version of the entire
10 bill.

11 (3) If a bill is amended by a standing committee in the
12 second house, the amendments must be included in a tan-colored
13 bill and distributed in the second house for second reading
14 consideration. If the bill is amended in Committee of the Whole,
15 the amendments must be included in a salmon-colored reference
16 bill and distributed in the second house for third reading. If
17 the bill passes on third reading, copies of the reference bill
18 must be distributed in the original house. The original house may
19 request from the second house a specified number of copies of the
20 amendments to be printed.

21 **40-160. Enrolling.** (1) When a bill has passed both houses,
22 it must be enrolled. An original and two duplicate printed copies
23 of the bill must be enrolled, free from all errors, with a margin
24 of two inches at the top and one inch on each side. In sections
25 amending existing statutes, new matter must be underlined and
26 deleted matter must be shown as stricken.

27 (2) When the enrolling is completed, the bill must be

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 examined by the sponsor.

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

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

17 (a) enrolled;

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

20 (c) signed by the presiding officers; and

21 (d) delivered to the Governor or, in the case of a bill
22 proposing a referendum, to the Secretary of State, not later than
23 5 working days after the 90th legislative day.

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

26 (6) The original and two copies signed by the presiding
27 officer of each house must be presented to the Governor or the

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

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

4 (7) The original must be filed with the Secretary of State.
5 Signed copies with chapter numbers assigned pursuant to section
6 5-11-204, MCA, must be filed with the Clerk of the Supreme Court
7 and the Legislative Services Division.

8 **40-170. Amendment by second house.** (1) Amendments to a bill
9 by the second house may not be further amended by the house in
10 which the bill originated, but must be either accepted or
11 rejected. A bill amended by the second house when the effect of
12 the combined amendments is to return the bill to the form that
13 the bill passed the house in which the bill originated is not
14 considered to have been amended and need not be returned to the
15 house of origin for acceptance or rejection of the amendments. If
16 the amendments are rejected, a conference committee may be
17 requested by the house in which the bill originated. If the
18 amendments are accepted and the bill is of a type requiring more
19 than a majority vote for passage, the bill again must be placed
20 on third reading in the house of origin.

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

24 **40-180. Final action on a bill.** (1) When a bill being heard
25 by the second house has received its third reading or has been
26 rejected, the second house shall transmit it as soon as possible
27 to the original house with notice of the second house's action.

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

5 **40-190. Transmittal of bills between houses -- referral --**
6 **hearing.** (1) Each house shall transmit to the other with any bill
7 all relevant papers.

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

14 (3) Transmitted bills must be referred to committee and
15 scheduled for hearing.

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

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

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 (ii) Amendments, except to appropriation bills, committee
2 bills implementing the general appropriations bill, the revenue
3 estimating resolution, interim study resolutions, bills proposing
4 referenda, and revenue bills, must be transmitted from one house
5 to the other on or before the 73rd legislative day.

6 (c) (i) Revenue bills and bills proposing referenda must be
7 transmitted to the other house on or before the 67th legislative
8 day.

9 (ii) Amendments to revenue bills and bills proposing
10 referenda, received from the other house, must be transmitted to
11 the house of origin on or before the 80th legislative day.

12 (iii) A revenue bill is one that either increases or
13 decreases revenue by enacting, eliminating, increasing, or
14 decreasing taxes, fees, or fines.

15 (d) (i) Appropriation bills and any bill implementing
16 provisions of a general appropriation bill must be transmitted to
17 the Senate on or before the 67th legislative day. A fund transfer
18 within the state treasury is not an appropriation for purposes of
19 this section.

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

23 (2) (a) A joint resolution introduced pursuant to 5-5-227,
24 MCA, for the purpose of estimating revenue available for
25 appropriation by the Legislature must be transmitted to the
26 Senate no later than the 60th legislative day.

27 (b) Amendments to the revenue estimating resolution must be

Unofficial Draft Copy

As of: November 9, 2018 (2:19pm)

LC6886

1 transmitted to the body in which the resolution was introduced no
2 later than the 82nd legislative day.

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

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

9 **40-210. Governor's veto.** (1) Except as provided in 40-65 and
10 40-180, each bill passed by the Legislature must be submitted to
11 the Governor for the Governor's signature. This does not apply
12 to:

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

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

17 (c) resolutions; and

18 (d) referendum measures of the Legislature.

19 (2) If the Governor does not sign or veto the bill within
20 10 days after its delivery, the bill becomes law.

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

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

25 (5) If the Legislature is not in session when the Governor
26 vetoes a bill, the Governor shall return the bill with reasons
27 for the veto to the Legislature as provided by law. The

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

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

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

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

16 **40-230. Governor's recommendations for amendment --**
17 **procedure.** (1) The Governor may return any bill to the
18 Legislature with recommendations for amendment. The Governor's
19 recommendations for amendment must be considered first by the
20 house in which the bill originated.

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

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

1 Committee of the Whole.

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

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

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

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

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

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

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

22 **CHAPTER 60**

23 **Rules**

24 **60-05. Source and precedent of legislative rules of the**
25 **Montana Legislature.** (1) The legislative rules of the Montana
26 Legislature are derived from several sources listed below and
27 take precedence in the following order:

1 (a) constitutional provisions and judicial decisions on the
2 constitution;

3 (b) adopted legislative rules of the Montana Legislature;

4 (c) statutory provisions;

5 (d) adopted parliamentary authority; and

6 (e) parliamentary law.

7 (2) Legislative rules passed by one legislature or
8 statutory provisions governing the legislative process are not
9 binding on a subsequent legislature.

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

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

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

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

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

27 (b) copies of all minutes and reports of the Rules

