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As of: October 21, 2016 (9:06am)

LC5335

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. (section 2-2-112, MCA)

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

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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.

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

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

14           (3) If the offended party is an employee of the house of  
15 representatives or the senate, the violation must be reported to  
16 the employee's supervisor or, if the offender is the supervisor  
17 for the house of representatives or the senate, the report should  
18 be made to the chief clerk of the house of representatives or to  
19 the secretary of the senate, as appropriate. If the offended  
20 party is a permanent legislative employee, the report should be  
21 made to the employee's supervisor or, if the offender is the  
22 supervisor, to the appropriate division director. If the  
23 offender is a division director, the report should be made to the  
24 presiding officer of the appropriate statutory committee.

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

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1 secretary of the senate, as appropriate. If the offended party  
2 is a supervisor of permanent legislative employees, the violation  
3 must be reported to the appropriate division director. If the  
4 offender is a division director, the report should be made to the  
5 presiding officer of the appropriate statutory committee.

6 (5) The chief clerk or the secretary shall report the  
7 violation to the presiding officer. The presiding officer may  
8 refer the matter to the rules committee. If the offender is an  
9 employee or supervisor, the employee or supervisor is subject to  
10 discipline or discharge.

11 **10-100. Legislative Services Division.** (1) The staff of the  
12 Legislative Services Division shall serve both houses as  
13 required.

14 (2) Staff members shall:

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

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

18 (3) The Legislative Services Division shall train journal  
19 clerks for both houses.

20 **10-120. Engrossing and enrolling staff -- duties.** (1) The  
21 Legislative Services Division shall provide all engrossing and  
22 enrolling staff.

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

24 (a) to engross or enroll any bill or resolution delivered  
25 to them within 48 hours after it has been received, unless

26 further time is granted in writing by the presiding officer of  
27 the house in which the bill originated; and

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

7 (i) errors in spelling;

8 (ii) errors in numbering sections;

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

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

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

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

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

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

17 and

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

20 (3) The engrossing and enrolling staff shall give notice in  
21 writing of the clerical correction to the Secretary of the Senate  
22 or the Chief Clerk of the House, who shall give notice to the  
23 sponsor of the bill or amendment. The form must be filed in the  
24 office of the amendments coordinator. A party receiving notice  
25 may register an objection to the correction by filing the  
26 objection in writing with the Secretary of the Senate or the  
27 Chief Clerk of the House by the end of the next legislative day

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1 following receipt of the notice. The Senate or House shall vote  
2 on whether or not to uphold the objection. If the objection is  
3 upheld, the Secretary of the Senate or the Chief Clerk of the  
4 House shall notify the Executive Director of the Legislative  
5 Services Division, and the engrossing staff shall change the bill  
6 to remove the correction or corrections to which the objection  
7 was made.

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

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

12 (2) A bill must be:

13 (a) printed on paper with numbered lines;

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

15 (c) backed with a page of substantial material that  
16 includes spaces for notations for tracking the progress of the  
17 bill; and

18 (d) introduced. Introduction constitutes the first reading  
19 of the bill.

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

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

26 (b) (i) Sections of the Montana Code Annotated repealed or  
27 amended in a legislative referendum must be stated in the title

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1 unless the inclusion of those sections in the title would cause  
2 the title to cumulatively exceed the 100-word limit pursuant to  
3 section 5-4-102, MCA.

4 (ii) If the inclusion of sections of the Montana Code  
5 Annotated repealed or amended in a legislative referendum title  
6 would cause the title to cumulatively exceed 100 words, the title  
7 must include those sections that do not exceed the 100-word limit  
8 and include a reference to the total number of additional  
9 sections listed in the body of the bill that are excluded from  
10 the title due to the 100-word limit. Those additional sections  
11 excluded from the title must be listed in a section within the  
12 body of the bill after the enacting clause.

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

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

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

27 (3) This rule does not prevent a committee from tabling a



1 bill proposing an amendment to The Constitution of the State of  
2 Montana.

3 **10-150. Recording and publication of voting.** (1) Every vote  
4 of each member on each substantive question in the Legislature,  
5 in any committee, or in Committee of the Whole must be recorded  
6 and made available to the public. On final passage of any bill or  
7 joint resolution, the vote must be taken by ayes and noes and the  
8 names entered on the journal.

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

- 12 (i) amend;
- 13 (ii) recommend passage or nonpassage;
- 14 (iii) recommend concurrence or nonconcurrence; or
- 15 (iv) indefinitely postpone.

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

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

21 (4) Roll call votes and other votes that are to be made  
22 public but are not specifically required to be spread upon the  
23 journal must be entered in the minutes of the appropriate  
24 committee or of the appropriate house (Montana Constitution, Art.  
25 V, Sec. 11(2)). A copy of the minutes must be filed with the  
26 Montana Historical Society. If electronically recorded minutes  
27 are kept for a committee, a written log conforming to section

1 2-3-212(2), MCA, must also be kept.

2 **10-160. Journal.** Each house shall:

3 (1) supply the Legislative Services Division with the  
4 contents of the daily journal to be stored on an automated  
5 system;

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

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

9 **10-170. Journals -- authentication -- availability.** (1) The  
10 journal of the Senate must be authenticated by the signature of  
11 the President and the journal of the House of Representatives  
12 must be authenticated by the signature of the Speaker.

13 (2) The Legislative Services Division shall make the  
14 completed journals available to the public (sections 5-11-201  
15 through 5-11-203, MCA).

16 **CHAPTER 20**

17 **Relations With Other House**

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

27 **CHAPTER 30**

1 **Committees**

2 **30-10. Joint committee chair -- exception.** Except as  
3 provided in Joint Rule 30-50 concerning the joint meetings of the  
4 Senate Finance and Claims Committee and the House Appropriations  
5 Committee, the chair of the Senate committee is the chair of all  
6 joint committees.

7 **30-20. Voting in joint committees -- exception.** (1) Except  
8 for Rules Committees and conference committees, a member of a  
9 joint committee votes individually and not by the house to which  
10 the committee member belongs.

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

16 **30-30. Conference committees -- subject matter restrictions.**

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

27 (2) A conference committee, having conferred, shall report

1 to the respective houses the result of its conference. A  
2 conference committee shall confine itself to consideration of the  
3 disputed amendment. The committee may recommend:

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

6 (b) further amendment of the disputed amendment.

7 (3) If either house requests a free conference committee  
8 and the other house concurs, appointments must be made in the  
9 same manner as provided in subsection (1). A free conference  
10 committee may discuss and propose amendments to a bill in its  
11 entirety and is not confined to a particular amendment. However,  
12 a free conference committee is limited to consideration of  
13 amendments that are within the scope of the title of the  
14 introduced bill.

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

19 **30-50. Committee consideration of general appropriation**  
20 **bills.** (1) All general appropriation bills must first be  
21 considered by a joint subcommittee composed of designated members  
22 of the Senate Finance and Claims Committee and the House  
23 Appropriations Committee, and then by each committee separately.

24 (2) Joint meetings of the House Appropriations Committee  
25 and the Senate Finance and Claims Committee must be held upon  
26 call of the chair of the House Appropriations Committee, who is  
27 chair of the joint committee.

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

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

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

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

11           **30-60. Estimation of revenue.** The Revenue and Transportation  
12 Interim Committee shall introduce a House joint resolution for  
13 the purpose of estimating revenue that may be available for  
14 appropriation by the Legislature. (5-5-227, MCA)

15           **30-70. Appointment of interim committees.** As provided for  
16 in section 5-5-211(6), MCA, 50% of interim committees must be  
17 selected from the following legislative standing committees:

18           (1) Economic Affairs Interim Committee:

19           (a) Senate Agriculture, Livestock, and Irrigation  
20 Committee;

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

22           (c) Senate Finance and Claims Committee;

23           (d) House Agriculture Committee;

24           (e) House Business and Labor Committee;

25           (f) House Federal Relations, Energy, and Telecommunications  
26 Committee; and

27           (g) House Appropriations Committee;

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

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

11 **CHAPTER 40**

12 **Legislation**

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

17 **40-20. Appropriation bills -- introduction in House -- feed**  
18 **bill.** (1) All appropriation bills must originate in the House of  
19 Representatives.

20 (2) Appropriation bills for the operation of the  
21 Legislature must be introduced by the chair of the House  
22 Appropriations Committee.

23 **40-30. Effective dates.** (1) Except as provided in  
24 subsections (2) through (4), a statute takes effect on October 1  
25 following its passage and approval unless a different time is  
26 prescribed in the enacting legislation.

27 (2) A law appropriating public funds for a public purpose

1 takes effect on July 1 following its passage and approval unless  
2 a different time is prescribed in the enacting legislation.

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

7 (4) A joint resolution takes effect on its passage unless a  
8 different time is prescribed in the joint resolution (sections  
9 1-2-201 and 1-2-202, MCA).

10 **40-40. Bill requests and introduction -- limits and**  
11 **procedures -- drafting priority -- agency and committee bills.**

12 (1) Prior to a regular session, a person entitled to serve in  
13 that session, referred to as a "member", or a legislative  
14 committee is entitled to request bill drafting services from the  
15 Legislative Services Division. Deadlines for requesting certain  
16 types of bills during a legislative session are contained in  
17 Joint Rule 40-50.

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

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

27 (c) After December 5, a member, in the member's discretion,



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1 may grant to any other member any of the remaining bill or  
2 resolution requests the granting member has not used. A bill  
3 requested by an individual may not be transferred to another  
4 legislator but may be introduced by another legislator. The  
5 requestor must pick up the bill and sign a receipt indicating  
6 delivery of the bill and may either introduce the bill or give  
7 the bill to another legislator for introduction.

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

10 (i) Code Commissioner bills;

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

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

15 (2) (a) Except as provided in subsection (2)(b) or this  
16 subsection, the staff of the Legislative Services Division shall  
17 work on bill draft requests in the order received. After a  
18 member has requested the drafting of five bills, the sixth bill  
19 request and all subsequent bill requests of that member must  
20 receive a lower drafting priority than all other bills of members  
21 not in excess of five per member. The Speaker of the House, the  
22 minority leader of the House, the President of the Senate, and  
23 the minority leader of the Senate may each direct the staff of  
24 the Legislative Services Division to assign a higher priority to  
25 20 draft requests. The staff of the Legislative Services  
26 Division shall assign a higher priority to any bill draft request  
27 when jointly directed by the President of the Senate, the

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1 minority leader of the Senate, the Speaker of the House, and the  
2 minority leader of the House.

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

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

16 (4) (a) During a session, a bill may be introduced by  
17 endorsing it with the name of a member and presenting it to the  
18 Chief Clerk of the House of Representatives or the Secretary of  
19 the Senate. Bills or joint resolutions may be sponsored jointly  
20 by Senate and House members. A jointly sponsored bill must be  
21 introduced in the house in which the member whose name appears  
22 first on the bill is a member. The chief joint sponsor's name  
23 must appear immediately to the right of the first sponsor's name,  
24 and the chief sponsor may not be changed. Except as provided in  
25 subsection (4)(b), in each session of the Legislature, bills,  
26 joint resolutions, and simple resolutions must be numbered  
27 consecutively in separate series in the order of their receipt.

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1 (b) The first 15 House bills may be reserved for  
2 preintroduced bills.

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

22 (b) The preintroduction requirement does not apply to an  
23 office held by an elected official during the official's first  
24 year in that office or to bills requested by a joint select or  
25 joint special committee appointed prior to the convening of the  
26 legislative session to address a specific issue. Bills requested  
27 under this subsection (5)(b) may include the phrase "By Request

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1 of.....(Name of official or committee)".

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

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

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

|  | Request Deadline |
|--|------------------|
|  | 5:00 P.M.        |
|  | Legislative Day  |
|  | _____            |
| 19 ! General Bills and Resolutions                         | 12               |
| 20 ! Revenue Bills   | 17               |
| 21 ! Committee Bills and Resolutions                       | 36               |
| 22 ! Committee Revenue Bills and Bills Proposing Referenda | 62               |
| 23 ! Committee Bills implementing provisions               | 67               |
| 24 of a general appropriation act                          |                  |
| 25 ! Interim study resolutions                             | 60               |
| 26 ! Appropriation Bills                                   | 45               |
| 27 ! Resolutions to express confirmation of                | No Deadline      |

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1 appointments

2 ! Bills repealing or directing the amendment No Deadline

3 or adoption of administrative rules and

4 joint resolutions advising or requesting

5 the repeal, amendment, or adoption of

6 administrative rules

7 (2) (a) A bill or resolution must be introduced at least 6

8 legislative days prior to the applicable transmittal deadline as

9 provided in Joint Rule 40-200 except for:

10 (i) a session committee bill or resolution;

11 (ii) a bill repealing or directing the amendment or adoption

12 of administrative rules;

13 (iii) a joint resolution advising or requesting the repeal,

14 amendment, or adoption of administrative rules; or

15 (iv) a resolution expressing confirmation.

16 (b) Bills and resolutions must be introduced within 2

17 legislative days after delivery. Failure to comply with the

18 introduction deadline results in the bill draft being canceled.

19 **40-60. Joint resolutions.** (1) A joint resolution must be

20 adopted by both houses and is not approved by the Governor. It

21 may be used to:

22 (a) express desire, opinion, sympathy, or request of the

23 Legislature;

24 (b) recognize relations with other governments, sister

25 states, political subdivisions, or similar governmental entities;

26 (c) request, but not require, a legislative entity to

27 conduct an interim study;

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

2 (e) approve construction of a state building under section  
3 18-2-102 or 20-25-302, MCA;

4 (f) deal with disasters and emergencies under Title 10,  
5 specifically as provided in sections 10-3-302(3), 10-3-303(3),  
6 10-3-303(4), and 10-3-505(5), MCA;

7 (g) submit a negotiated settlement under section  
8 39-31-305(3), MCA;

9 (h) declare or terminate an energy emergency under section  
10 90-4-310, MCA;

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

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

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

17 (2) A joint resolution may not be used for purposes of  
18 congratulating or recognizing an individual or group achievement.  
19 Recognition of individual or group achievements is handled on  
20 special orders of the day.

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

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

27 **40-65. Appropriation required for bills requesting interim**

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1 **studies.** (1) A bill including a request for an interim study may  
2 not be transmitted to the Governor unless the bill contains an  
3 appropriation sufficient to conduct the study. A fiscal note may  
4 be requested for a bill requesting an interim study if the  
5 appropriation does not appear to be sufficient.

6 (2) A Senator may introduce a bill that includes a request  
7 for an interim study in the Senate without an appropriation, but  
8 the bill may not be transmitted to the Governor unless the bill  
9 contains an appropriation added in the House that is sufficient  
10 to conduct the study.

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

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

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

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

27 **40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4,

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1 part 2, MCA, all bills reported out of a committee of the  
2 Legislature, including interim committees, having a potential  
3 effect on the revenues, expenditures, or fiscal liability of the  
4 state, local governments, or public schools, except appropriation  
5 measures carrying specific dollar amounts, must include a fiscal  
6 note incorporating an estimate of the fiscal effect. The  
7 Legislative Services Division staff shall indicate at the top of  
8 each bill prepared for introduction that a fiscal note may be  
9 necessary under this rule. Fiscal notes must be requested by the  
10 presiding officer of either house, who, at the time of  
11 introduction or after adoption of substantive amendments to an  
12 introduced bill, shall determine the need for the note, based on  
13 the Legislative Services Division staff recommendation.

14 (2) The Legislative Services Division shall make available  
15 an electronic copy of any bill for which it has been determined a  
16 fiscal note may be necessary to the Budget Director immediately  
17 after the bill has been prepared for introduction and delivered  
18 to the requesting member. The Budget Director may proceed with  
19 the preparation of a fiscal note in anticipation of a subsequent  
20 formal request. A bill with financial implications for a local  
21 government or school district must comply with subsection (4).

22 (3) The Budget Director, in cooperation with the  
23 governmental entity or entities affected by the bill, is  
24 responsible for the preparation of the fiscal note. Except as  
25 provided in subsection (4), the Budget Director shall return the  
26 fiscal note within 6 days unless further time is granted by the  
27 presiding officer or committee making the request, based upon a



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

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

14 (b) The Budget Director has 10 days to prepare the  
15 estimate. Upon completion of the estimate, the Budget Director  
16 shall submit it to the presiding officer and the chief sponsor of  
17 the bill.

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

27 (6) A fiscal note must, if possible, show in dollar

1 amounts:

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

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

6 (c) long-range financial implications.

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

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

12 (a) a committee considering the bill;

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

15 (c) the chief sponsor.

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

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

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

26 **40-110. Sponsor's fiscal note rebuttal.** (1) If a sponsor  
27 elects to prepare a sponsor's fiscal note rebuttal pursuant to

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1 section 5-4-204, MCA, the sponsor shall make the election as  
2 provided and return the completed sponsor's fiscal note rebuttal  
3 form to the presiding officer within 4 days of the election. The  
4 form must identify the bill number, the sponsor of the bill, the  
5 date prepared, the version of the fiscal note being rebutted, the  
6 reasons the sponsor disagrees with the fiscal note, the items or  
7 assumptions in the fiscal note that the sponsor believes are  
8 incorrect, and the sponsor's estimate of the fiscal impact, if an  
9 estimate is available.

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

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

17 (4) The Legislative Services Division shall provide forms  
18 for preparation of sponsors' fiscal note rebuttals and shall  
19 print the completed sponsors' fiscal note rebuttal forms on a  
20 different color paper than the fiscal notes prepared by the  
21 Budget Director.

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

27 (2) The proper form of reporting a substitute bill by a

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1 committee is to propose amendments to strike out all of the  
2 material following the enacting clause, to substitute the new  
3 material, and to recommend any necessary changes in the title of  
4 the bill.

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

8 **40-130. Reading of bills.** Prior to passage, a bill, other  
9 than a bill requested by a joint select or joint special  
10 committee as provided in 40-40(5)(b), must be read three times in  
11 the house in which it is under consideration. It may be read  
12 either by title or by summary of title. Introduction constitutes  
13 the first reading of the bill.

14 **40-140. Second reading -- bill reproduction.** (1) If the  
15 majority of a house adopts a recommendation for the passage of a  
16 bill originating in that house after the bill has been returned  
17 from a committee with amendments, the bill must be reproduced on  
18 yellow paper with all amendments incorporated into the copies.

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

23 (3) A bill requested by and heard by a joint select or  
24 joint special committee, as provided in 40-40(5)(b), may be  
25 referred directly to second reading. If the bill is passed by the  
26 house of origin, the bill must be transmitted to the other house,  
27 and if the bill was not amended, it may be placed on second

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1 reading without the need for referral to a committee.

2       **40-150. Engrossing.** (1) When a bill has been reported  
3 favorably by Committee of the Whole of the house in which it  
4 originated and the report has been adopted, the bill must be  
5 engrossed if the bill is amended. Committee of the Whole  
6 amendments must be included in the engrossed bill. If the bill is  
7 not amended, the bill must be sent to printing. The bill must be  
8 placed on the calendar for third reading on the legislative day  
9 after receipt.

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

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

27       **40-160. Enrolling.** (1) When a bill has passed both houses,

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1 it must be enrolled. An original and two duplicate printed  
2 copies of the bill must be enrolled, free from all errors, with a  
3 margin of two inches at the top and one inch on each side. In  
4 sections amending existing statutes, new matter must be  
5 underlined and deleted matter must be shown as stricken.

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

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

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

23 (a) enrolled;

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

26 (c) signed by the presiding officers; and

27 (d) delivered to the Governor or, in the case of a bill

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1 proposing a referendum, to the Secretary of State, not later than  
2 5 working days after the 90th legislative day.

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

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

10 (7) The original must be filed with the Secretary of State.  
11 Signed copies with chapter numbers assigned pursuant to section  
12 5-11-204, MCA, must be filed with the Clerk of the Supreme Court  
13 and the Legislative Services Division.

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

27 (2) The vote on third reading after concurrence in

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

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

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

11 **40-190. Transmittal of bills between houses -- referral --**  
12 **hearing.** (1) Each house shall transmit to the other with any bill  
13 all relevant papers.

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

20 (3) Transmitted bills must be referred to committee and  
21 scheduled for hearing.

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



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1 which it was transmitted.

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

7 (ii) Amendments, except to appropriation bills, committee  
8 bills implementing the general appropriations bill, the revenue  
9 estimating resolution, interim study resolutions, bills proposing  
10 referenda, and revenue bills, must be transmitted from one house  
11 to the other on or before the 73rd legislative day.

12 (c) (i) Revenue bills and bills proposing referenda must be  
13 transmitted to the other house on or before the ~~67th~~ 71st  
14 legislative day.

15 (ii) Amendments to revenue bills and bills proposing  
16 referenda, received from the other house, must be transmitted to  
17 the house of origin on or before the ~~80th~~ 82nd legislative day.

18 (iii) A revenue bill is one that either increases or  
19 decreases revenue by enacting, eliminating, increasing, or  
20 decreasing taxes, fees, or fines.

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

26 (ii) Senate amendments to appropriation bills must be  
27 transmitted by the Senate to the House on or before the 80th

1 legislative day.

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

6 (b) Amendments to the revenue estimating resolution must be  
7 transmitted to the body in which the resolution was introduced no  
8 later than the 82nd legislative day.

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

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

15 **40-210. Governor's veto.** (1) Except as provided in 40-65 and  
16 40-180, each bill passed by the Legislature must be submitted to  
17 the Governor for the Governor's signature. This does not apply  
18 to:

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

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

23 (c) resolutions; and

24 (d) referendum measures of the Legislature.

25 (2) If the Governor does not sign or veto the bill within  
26 10 days after its delivery, the bill becomes law.

27 (3) The Governor shall return a vetoed bill to the

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1 Legislature with a statement of reasons for the veto.

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

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

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

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

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

22 **40-230. Governor's recommendations for amendment --**  
23 **procedure.** (1) The Governor may return any bill to the  
24 Legislature with recommendations for amendment. The Governor's  
25 recommendations for amendment must be considered first by the  
26 house in which the bill originated.

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

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

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

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

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

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

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

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

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

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

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**CHAPTER 60**

**Rules**

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

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

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

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

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

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

**60-20. Reference to Mason's Manual.** Mason's Manual of Legislative Procedure (2010) governs the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

**60-30. Publication and distribution of joint rules.** (1) The Legislative Services Division shall codify and publish in one

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1 volume:

2 (a) the rules of the Senate;

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

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

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

9 **60-40. Tenure of joint rules.** The joint rules remain in  
10 effect until removed by a joint resolution or until a new  
11 Legislature is elected and takes office.

12 - END -

13 {Name : Todd M. Everts  
14 Title : Chief Legal Counsel/Code Commissioner  
15 Agency: LSD - Legal Services Office  
16 Phone : 444-4023  
17 E-Mail: teverts@mt.gov}