

INTRODUCED BY C. SMITH

JOINT RULES AMENDMENT NO. SJ.0001.001.008

AMENDMENT REQUESTED BY J. HAMILTON

FOR THE JOINT RULES COMMITTEE

PREPARED BY JARET COLES

BY REQUEST OF THE JOINT RULES

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

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

That the following Joint Rules be adopted:

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

CHAPTER 1

COVID-19 Response

1-05. Definitions. As used in these joint rules, the following definitions apply:

(1) "Member" means a member of the Senate or the House of Representatives for the 67th Legislature.

(2) "Participating remotely", "remotely present", or "participate remotely" means participating by telephone, teleconference, videoconference, or other means.

(3) "Present" means a member was either physically present and participating in the session or remotely present and participating in the session.

(4) "Session" means the 67th legislative session.

1-10. Legislative Leadership COVID-19 Response Panel. (1) There is a Legislative Leadership COVID-19 Response Panel comprised of:

40-95. Amendment processing. (1) Amendments to bills and resolutions are drafted by Legislative Services Division staff.

(2) All amendments must be reviewed by the staff of the Legislative Services Division for proper format, style, and legal form.

(3) Amendments requested and approved by a legislator on a bill that has been assigned to a session standing committee must be emailed to members of the committee prior to executive action on the bill.

(4) Amendments requested and approved by a legislator on a bill that is scheduled for second reading in the Committee of the Whole must be posted online.

40-100. Fiscal notes. (1) All bills reported out of a committee of the Legislature, including interim committees, for which a legal review note provided for in Joint Rule 10-130(6) was produced or having a potential effect on the revenues, expenditures, or fiscal liability of the state, local governments, or public schools, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption of substantive amendments to an introduced bill, shall determine the need for the note, based on the Legislative Services Division staff recommendation. A bill must have a fiscal note of at least \$100,000 if a legal review note was produced for the bill.

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

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

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Drafter: Jaret Coles, 406-444-4022

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68th Legislature

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

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

(5) A completed fiscal note must be submitted by the Budget Director to the presiding officer who requested it. The presiding officer shall notify the bill's chief sponsor of the completed fiscal note and request the chief sponsor's actual or electronic signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to discuss the findings with the Budget Director, if necessary. After the legislative day has elapsed, all fiscal notes having a potential effect on the revenues, expenditures, or fiscal liability must be reproduced for the members of the committee hearing the bill and, if the bill is reported out of committee, placed on the members' desks, either with or without the chief sponsor's actual or electronic signature.

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

- (a) the estimated increase or decrease in revenues or expenditures;
- (b) costs that may be absorbed without additional funds; and
- (c) long-range financial implications.

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

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

- (i) a committee considering the bill;
 - (ii) a majority of the members of the house in which the bill is to be considered, at the time of second reading; or
 - (iii) the chief sponsor.
- (b) With the approval of the presiding officer, a committee may request a revised fiscal note on

committee-approved amendments to a bill not reported out of committee by passing a motion to postpone action on the bill pending a revised fiscal note.

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

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

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

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

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

40-110. Sponsor's fiscal note rebuttal. (1) If a sponsor elects to prepare a sponsor's fiscal note rebuttal, the sponsor shall make the election as provided and return the completed sponsor's fiscal note rebuttal form to the presiding officer within 4 days of the election. The form must identify the bill number, the sponsor of the bill, the date prepared, the version of the fiscal note being rebutted, the reasons the sponsor disagrees with the fiscal note, the items or assumptions in the fiscal note that the sponsor believes are incorrect, and the sponsor's estimate of the fiscal impact, if an estimate is available.

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

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

(4) The Legislative Services Division or the Legislative Fiscal Division shall provide forms for preparation of sponsors' fiscal note rebuttals and shall post the completed sponsors' fiscal note rebuttals online and may also print the completed sponsors' fiscal note rebuttal forms on a different color paper than the fiscal