

1 JOINT RESOLUTION NO. 1

2 INTRODUCED BY ****

3 BY REQUEST OF THE ****

4
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6 MONTANA ADOPTING THE JOINT LEGISLATIVE RULES.

7
8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
9 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 1**

14 **Legislator Remote Participation**

15 **1-05. Definitions.** As used in these joint rules, the following definitions apply:

16 (1) "Member" means a member of the Senate or the House of Representatives for the 68th Legislature.

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

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

21 **1-40. Members physically present or remotely present by electronic means.** (1) The Senate and
22 the House may assemble, convene, and conduct the session with members being either physically present or
23 participating remotely. A member is not permitted to participate remotely unless excluded from physical
24 participation based on a decision of the member's caucus leader pursuant to Joint Rule 1-50.

25 (2) Subject to subsection (3), members who are permitted to participate remotely in the session:

26 (a) may vote on any question or other matter before the Senate or the House, including committees of
27 the Senate or the House;

28 (b) have the same privileges, rights, and duties as if the member were physically present, including the

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

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

6 **10-130. Bills -- sponsorship -- style -- format.** (1) A bill must be sponsored by a member of the
7 Legislature.

8 (2) A bill must be formatted electronically with numbered lines and:

9 (a) printed on paper with numbered lines;

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

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

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

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

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

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

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

26 (5) Introduced bills must be posted online and may be reproduced on white paper and distributed to
27 members.

28 (6) (a) A legal review note or analysis produced by the Legislative Services Division Legal Services

1 Office must be attached to an introduced bill and posted on the Legislative Branch website.

2 (b) After a legal review note has been posted for an introduced bill, if the bill is later amended and the
3 primary sponsor of the bill believes the amendment resolves the potential legal issues cited in the legal review
4 note, the primary sponsor may request that the Legislative Services Division Legal Services Office revise the
5 posted legal review note to include a statement from the primary sponsor that the adopted amendment has
6 resolved the potential legal issues cited in the legal review note.

7 (7) Prior to submitting legislation for introduction, the chief sponsor may add representatives and
8 senators as cosponsors. A legislator may be added as a cosponsor by an in-person request, an electronic
9 message, a phone communication, or a cosponsor form. If a printed cosponsor form is used, a legislator must
10 sign or initial a cosponsor form supplied upon request by the Secretary of the Senate or the Chief Clerk of the
11 House in order to be added as a cosponsor. A legislator may also sign on the front page of the legislation.

12 (8) (a) Prior to submitting legislation to the Secretary of the Senate or the Chief Clerk of the House for
13 introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the
14 cosponsor form attached to the legislation in order to be added as a cosponsor.

15 (b) After legislation is submitted for introduction but before the legislation returns from the first House or
16 Senate committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the
17 Secretary of the Senate or the Chief Clerk of the House.

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

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

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

27 **10-150. Recording and publication of voting.** (1) Every vote of each member on each substantive
28 question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made

- 1 (d) adopt, amend, or repeal the joint rules;
- 2 (e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;
- 3 (f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3),
- 4 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;
- 5 (g) submit a negotiated settlement under section 39-31-305(3), MCA;
- 6 (h) declare or terminate an energy emergency under section 90-4-310, MCA;
- 7 (i) ratify or propose amendments to the United States Constitution;
- 8 (j) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of
- 9 Montana; or

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

11 (2) A joint resolution may not be used for purposes of congratulating or recognizing an individual or

12 group achievement. Recognition of individual or group achievements is handled on special orders of the day.

13 (3) Except as otherwise provided in these rules or The Constitution of the State of Montana, a joint

14 resolution is treated in all respects as a bill.

15 (4) A copy of every joint resolution must be transmitted after adoption to the Secretary of State by the

16 Secretary of the Senate or the Chief Clerk of the House.

17 **40-65. Appropriation required for bills requesting interim studies.** (1) A bill including a request for

18 an interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient to

19 conduct the study. The bill must include a contingent voidness section that would void the bill if an appropriation

20 is not included. A fiscal note may be requested for a bill requesting an interim study if the appropriation does

21 not appear to be sufficient.

22 (2) A Senator may introduce a bill that includes a request for an interim study in the Senate without an

23 appropriation, but the bill may not be transmitted to the Governor unless the bill contains an appropriation

24 added in the House that is sufficient to conduct the study.

25 **40-70. Bills with same purpose -- vetoes.** (1) A bill may not be introduced or received in a house after

26 that house, during that session, has finally rejected a bill designed to accomplish the same purpose, except with

27 the approval of the Rules Committee of the house in which the bill is offered for introduction or reception.

28 (2) A bill may be designated as identical to another bill only by the Rules Committee of the house in

1 which the bill is offered for introduction or reception.

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

3 **40-80. Reproduction of full statute required.** A statute may not be amended or its provisions
4 extended by reference to its title only, but the statute section that is amended or extended must be reproduced
5 or published at length.

6 **40-90. Bills -- original purpose.** A law may not be passed except by bill. A bill may not be so altered
7 or amended on its passage through either house as to change its original purpose (Montana Constitution, Art.
8 V, Sec. 11(1)).

9 **40-95. Amendment processing.** (1) Amendments to bills and resolutions are drafted by Legislative
10 Services Division staff.

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

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

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

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

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

1 transmitted to the Senate on or before the 67th legislative day. A fund transfer within the state treasury is not an
2 appropriation for purposes of this section.

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

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

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

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

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

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

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

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

19 (c) resolutions; and

20 (d) referendum measures of the Legislature.

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

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

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

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

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

3 (7) For the purposes of this rule and 40-220, receipt of the bill with a veto message from the Governor
4 by the house from which the bill originated occurs when either the Chief Clerk of the House or the Secretary of
5 the Senate physically receives the returned bill and the bill is time stamped and dated as being received.

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

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

11 **40-230. Governor's recommendations for amendment -- procedure.** (1) The Governor may return
12 any bill to the Legislature with recommendations for amendment. The Governor's recommendations for
13 amendment must be considered first by the house in which the bill originated.

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

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

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

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

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

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

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