

1 HOUSE RESOLUTION NO. 1  
 2 INTRODUCED BY M. MORE  
 3 BY REQUEST OF THE HOUSE RULES STANDING COMMITTEE  
 4  
 5 A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING THE  
 6 HOUSE RULES.  
 7  
 8 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
 9 MONTANA:

10  
 11 That the following ~~rules~~ House Rules be adopted:

12  
 13 **RULES OF THE MONTANA**  
 14 **HOUSE OF REPRESENTATIVES**  
 15 **CHAPTER 1**  
 16 **Administration**

17 **H10-10. House officers -- definitions.** (1) House officers include a Speaker, a Speaker pro tempore,  
 18 majority and minority leaders, and majority and minority whips (section 5-2-221, MCA).

19 (2) A majority of representatives voting elects the Speaker and Speaker pro tempore from the House  
 20 membership. A majority of each caucus voting nominates House members to the remaining offices, and those  
 21 nominees are considered to have been elected by a majority vote of the House.

22 (3) (a) "Majority leader" means the leader of the majority party, elected by the caucus as provided in  
 23 5-2-221.

24 (b) "Majority party" means the party with the most members, subject to subsection (4).

25 (c) "Minority leader" means the leader of the minority party, elected by the caucus as provided in 5-2-221.

26 (d) "Minority party" means the party with the second most members, subject to subsection (4).

27 (4) If there are an equal number of members of the two parties with the most members, then the majority  
 28 party is the party of the Speaker and the minority party is the other party with an equal number of members.

29 **H10-20. Speaker's duties.** (1) The Speaker is the presiding officer of the House, with authority for  
 30 administration, order, decorum, and the interpretation and enforcement of rules in all House deliberations.

1 (2) The Speaker shall see that all members conduct themselves in a civil manner in accordance with  
2 accepted standards of parliamentary conduct. The Speaker may, when necessary, order the Sergeant-at-Arms  
3 to clear the aisles and seat the members of the House so that business may be conducted in an orderly manner.

4 (3) Signs, placards, or other objects of a similar nature are not permitted in the rooms, lobby, gallery, or  
5 on the floor of the House. The Speaker may order the galleries, lobbies, or hallway cleared in case of disturbance  
6 or disorderly conduct.

7 (4) The Speaker shall sign all necessary certifications by the House, including enrolled bills and  
8 resolutions, journals (section 5-11-201, MCA), subpoenas, and payrolls.

9 (5) The Speaker shall arrange the agendas for second and third readings each legislative day.  
10 Representatives may amend the agendas as provided in H40-130.

11 (6) The Speaker is the chief officer of the House, with authority for all House employees.

12 (7) The Speaker may name any member to perform the duties of the chair. If the House is not in session  
13 and the Speaker pro tempore is not available, the Speaker shall name a member who shall call the House to  
14 order and preside during the Speaker's absence.

15 (8) Upon request of the Minority Leader, the Speaker will submit a request for a fiscal note on any bill.

16 **H10-30. Speaker-elect.** During the transition period between the party organization caucuses and the  
17 election of House officers, the Speaker-elect has the responsibilities and authority appropriate to organize the  
18 House (section 5-2-202, MCA). Authority includes approving presession expenditures.

19 **H10-40. Speaker pro tempore duties.** The Speaker pro tempore shall, in the absence or inability of the  
20 Speaker, call the House to order and perform all other duties of the chair in presiding over the deliberations of  
21 the House and shall perform other duties and exercise other responsibilities as may be assigned by the Speaker.

22 **H10-50. Majority Leader.** The primary functions of the majority leader usually relate to floor duties. The  
23 duties of the majority leader may include but are not limited to:

- 24 (1) being the lead speaker for the majority party during floor debates;  
25 (2) helping the Speaker develop the calendar;  
26 (3) assisting the Speaker with program development, policy formation, and policy decisions; and  
27 (4) presiding over the majority caucus meetings; and  
28 (5) other duties as assigned by the caucus.

29 **H10-60. Majority Whip.** The duties of the majority whip may include but are not limited to:

- 30 (1) assisting the majority leader;

- 1 (2) ensuring member attendance;
- 2 (3) counting votes;
- 3 (4) generally communicating the majority position; and
- 4 (5) other duties as assigned by the caucus.

5 **H10-70. Minority Leader.** The minority leader is the principal leader of the minority caucus. The duties  
6 of the minority leader may include but are not limited to:

- 7 (1) developing the minority position;
- 8 (2) negotiating with the majority party;
- 9 (3) directing minority caucus activities on the chamber floor;
- 10 (4) leading debate for the minority; and
- 11 (5) other duties as assigned by the caucus.

12 **H10-80. Minority Whip.** The major responsibilities for the minority whip may include but are not limited  
13 to:

- 14 (1) assisting the minority leader on the floor;
- 15 (2) counting votes;
- 16 (3) ensuring attendance of minority party members; and
- 17 (4) other duties as assigned by the caucus.

18 **H10-90. Employees.** (1) The Speaker shall appoint a Chief Clerk and Sergeant-at-Arms and may appoint  
19 a Chaplain, subject to confirmation of the House (section 5-2-221, MCA).

20 (2) The Speaker shall employ necessary staff or delegate that function to the employees designated in  
21 subsection (1). ~~All House staff hired to date will be retained.~~

22 (3) The secretary for a standing or select committee is generally responsible to the committee chair but  
23 shall work under the direction of the Chief Clerk.

24 (4) The Speaker and majority and minority leaders may each appoint a private secretary.

25 **H10-100. Chief Clerk's duties.** The Chief Clerk, under the supervision of the Speaker, is the chief  
26 administrative officer of the House and is responsible to:

- 27 (1) supervise all House employees;
- 28 (2) have custody of all records and documents of the House;
- 29 (3) supervise the handling of legislation in the House, the House journal, and other House publications;
- 30 deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and

1 all original House bills and joint resolutions; collect minutes and exhibits from all House committees and  
2 subcommittees and arrange to have them printed on archival paper and copied in an electronic format within a  
3 reasonable time after each meeting. An electronic copy will be provided to the Legislative Services Division and  
4 the State Law Library of Montana. The archival paper copy will be delivered to the Montana Historical Society.

5 **H10-110. Duties of Sergeant-at-Arms.** The Sergeant-at-Arms shall:

6 (1) under the direction of the Speaker and the Chief Clerk, have charge of and maintain order in the  
7 House, its lobbies, galleries, and hallways and all other rooms in the Capitol assigned for the use of the House;

8 (2) be present whenever the House is in session and at any other time as directed by the presiding  
9 officer;

10 (3) execute the commands of the House and serve the writs and processes issued by the authority of  
11 the House and directed by the Speaker;

12 (4) supervise assistants to the Sergeant-at-Arms, who shall aid in the performance of prescribed duties  
13 and who have the same authority, subject to the control of the Speaker;

14 (5) clear the floor and anteroom of the House of all persons not entitled to the privileges of the floor prior  
15 to the convening of each session of the House;

16 (6) bring in absent members when so directed under a call of the House;

17 (7) enforce the distribution of any printed matter in the House chambers and anteroom in accordance  
18 with H20-70;

19 (8) enforce parking regulations applicable to areas of the Capitol complex under the control of the House;

20 (9) supervise the doorkeeper; and

21 (10) supervise the pages.

22 **H10-120. Legislative aides.** (1) A legislative aide is a person specifically designated by a representative  
23 to assist that representative in performing legislative duties. A representative may sponsor one legislative aide  
24 a session by written notification to the Sergeant-at-Arms.

25 (2) No representative may designate a second legislative aide in the same session without the approval  
26 of the House Rules Committee.

27 (3) A legislative aide must be of legal age unless otherwise approved by the House Rules Committee.

28 (4) The Sergeant-at-Arms shall issue distinctive identification tags to legislative aides. The cost must be  
29 paid by the sponsoring representative.

30 **H10-130. Legislative interns.** A legislative intern is a person designated under Title 5, chapter 6, MCA.

- 1           **H10-140. House journal.** (1) The House shall keep a journal, which is the official record of House  
2 actions (Montana Constitution, Art. V, Sec. 10). The journal must be prepared under the direction of the Speaker.
- 3           (2) Records of the following proceedings must be entered on the journal:
- 4           (a) the taking and subscription of the constitutional oath by representatives (Montana Constitution, Art.  
5 III, Sec. 3; 5-2-214);
- 6           (b) committee reports;
- 7           (c) messages from the Governor;
- 8           (d) messages from the Senate;
- 9           (e) every motion, the name of the representative presenting it, and its disposition;
- 10          (f) the introduction of legislation in the House;
- 11          (g) consideration of legislation subsequent to introduction;
- 12          (h) on final passage of legislation, the names of the representatives and their vote on the question  
13 (Montana Constitution, Art. V, Sec. 11);
- 14          (i) roll call votes; and
- 15          (j) upon a request by two representatives before a vote is taken, the names of the representatives and  
16 their votes on the question.
- 17          (3) The Chief Clerk shall provide to the Legislative Services Division such information as may be required  
18 for the publication of the daily journal.
- 19          (4) Any representative may examine the daily journal and propose corrections. The Speaker may direct  
20 a correction to be made when suggested subject to objection by the House.
- 21          (5) The Speaker shall authenticate the House journal after the close of the session (section 5-11-201,  
22 MCA).
- 23          (6) The Legislative Services Division shall publish and distribute the House journal (sections 5-11-202  
24 and 5-11-203, MCA). The title of each bill must be listed in the index of the published session journal.
- 25           **H10-150. Votes recorded and public.** Every vote of each representative on each substantive question  
26 in the House, in any committee, or in Committee of the Whole must be recorded and made public (Montana  
27 Constitution, Art. V, Sec. 11).
- 28           **H10-160. Duration of legislative day.** A legislative day ends either 24 hours after the House convenes  
29 for that day or at the time the House convenes for the following legislative day, whichever is earlier. (See Joint  
30 Rule 10-20.)



1 is prohibited from lobbying, although a legislative committee may request testimony from a person so restricted.

2 (2) The Speaker may discipline or discharge any House employee violating this prohibition. The Speaker  
3 may withdraw the privileges of any House aide or intern violating this prohibition.

4 **H20-70. Papers distributed on desks -- exception.** A paper concerning proposed legislation may not  
5 be placed on representatives' desks unless it is authorized by a member and permission has been granted by  
6 the Speaker. The Sergeant-at-Arms shall direct its distribution. This restriction does not apply to material prepared  
7 by staff and placed on a representative's desk at the request of the representative.

8 **H20-80. Violation of rules -- procedure -- appeal.** (1) If a member, in speaking or otherwise, violates  
9 the rules of the House, the Speaker shall, or the majority or minority leader may, call the member to order, in  
10 which case the member called to order must be seated immediately.

11 (2) The member called to order may move for an appeal to the House and if the motion is seconded by  
12 two members, the matter must be submitted to the House for determination by majority vote. The motion is  
13 nondebateable.

14 (3) If the decision of the House is in favor of the member called to order, the member may proceed. If  
15 the decision is against the member, the member may not proceed.

16 (4) If a member is called to order, the matter may be referred to the Rules Committee by the majority or  
17 minority leader. The Committee may recommend to the House that the member be censured or be subject to  
18 other action. The House shall act upon the recommendation of the Committee.

### 19 CHAPTER 3

### 20 Committees

21 **H30-10. House standing committees -- appointments -- classification.** (1) ~~Each standing committee~~  
22 ~~must be composed of an equal number of members of each political party.~~ The Speaker shall determine the total  
23 number of members and after good faith consultation with the minority leader shall appoint the chairs, vice chairs,  
24 and members to the standing committees.

25 (2) The standing committees of the House are as follows:

26 (a) class one committees:

27 (i) Appropriations;

28 (ii) Business and Labor;

29 (iii) Judiciary;

30 (iv) State Administration; and

- 1 (v) Taxation;
- 2 (b) class two committees:
- 3 (i) Education;
- 4 (ii) federal Relations, Energy, and Telecommunications;
- 5 (iii) Human Services;
- 6 (iv) Natural Resources; and
- 7 (v) Transportation;
- 8 (c) class three committees:
- 9 (i) Agriculture;
- 10 (ii) Fish, Wildlife, and Parks; and
- 11 (iii) Local Government; and
- 12 (d) on call committees:
- 13 (i) Ethics;
- 14 (ii) Rules; and
- 15 (iii) Legislative Administration.

16 (3) A class 1 committee is scheduled to meet Monday through Friday. A class 2 committee is scheduled  
 17 to meet Monday, Wednesday, and Friday. A class 3 committee is scheduled to meet Tuesday and Thursday.  
 18 Unless a class is prescribed for a committee, it meets upon the call of the chair.

19 (4) The Legislative Council shall review the workload of the standing committees to determine if any  
 20 change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's  
 21 recommendations must be submitted to the leadership nominated or elected at the pre-session caucus provided  
 22 for in 5-2-201.

23 ~~(5) (a) The Democrats will chair the following standing committees: Agriculture; Appropriations; Business~~  
 24 ~~and Labor; Education; Fish, Wildlife, and Parks; Federal Relations, Energy, and Telecommunications; Human~~  
 25 ~~Services; and Rules.~~

26 ~~\_\_\_\_\_ (b) The Republicans will chair the following standing committees: Ethics; Judiciary; Legislative~~  
 27 ~~Administration; Local Government; Natural Resources; State Administration; Taxation; and Transportation.~~

28 ~~\_\_\_\_\_ (c) The Speaker shall appoint the Democratic committee chairmen and vice chairmen and the minority~~  
 29 ~~leader, in consultation with the Speaker, shall appoint the Republican committee chairmen and vice chairmen.~~  
 30 ~~The power to remove a chairman, vice chairman, or member from a committee resides in the Speaker for~~



1 ~~Democratic members and with the minority leader for Republican members:~~

2 ~~(6)(5)~~ There will be six subcommittees of the Committee on Appropriations. ~~The Democrats will chair the~~  
 3 ~~subcommittees on~~ Education, General Government and Transportation, Health and Human Services, and  
 4 Natural Resources. ~~The Republicans will chair the subcommittees on~~ Corrections, and Long-Range Planning.  
 5 Each member serving on the Appropriations Committee must be appointed to one of the subcommittees.

6 ~~(7)(6)~~ The Speaker shall give notice of each appointment to the Chief Clerk for publication.

7 ~~(8)(7)~~ The Speaker may, in the Speaker's discretion or as authorized by the House, create and appoint  
 8 select committees, designating the chairman and vice chairman of the select committee. Select committees may  
 9 request or receive legislation in the same manner as a standing committee and are subject to the rules of  
 10 standing committees.

11 **H30-20. Chairman's duties.** (1) The principal duties of the chairman of standing or select committees  
 12 are to:

- 13 (a) preside over meetings of the committee and to put all questions;
- 14 (b) maintain order and decide all questions of order subject to appeal to the committee;
- 15 (c) supervise and direct staff of the committee;
- 16 (d) have the committee secretary keep the official record of the minutes;
- 17 (e) sign reports of the committee and submit them promptly to the Chief Clerk;
- 18 (f) appoint subcommittees to perform on a formal or an informal basis as provided in subsection (2); and
- 19 (g) inform the Speaker of committee activity.

20 (2) With the exception of the House Appropriations subcommittees, a subcommittee of a standing  
 21 committee may be appointed by the chairman of the committee. ~~A subcommittee must be composed of an equal~~  
 22 ~~number of members from each political party.~~ The chairman of the standing committee shall appoint the chairman  
 23 of the subcommittee.

24 **H30-30. Quorum -- officers as members.** (1) A quorum of a committee is a majority of the members  
 25 of the committee. A quorum of a committee must be present at a meeting to act officially. A quorum of a  
 26 committee may transact business, and a majority of the quorum, even though it is a minority of the committee,  
 27 is sufficient for committee action.

28 (2) The Speaker, the majority leader, and the minority leader are ex officio, nonvoting members of all  
 29 House committees. They may count toward establishing a quorum.

30 **H30-40. Meetings -- purpose -- notice -- minutes.** (1) All meetings of committees must be open to the

1 public at all times, subject always to the power and authority of the chairman to maintain safety, order, and  
2 decorum. The date, time, and place of committee meetings must be posted.

3 (2) A committee or subcommittee may be assembled for:

4 (a) a public hearing at which testimony is to be heard and at which official action may be taken on bills,  
5 resolutions, or other matters;

6 (b) a formal meeting at which the committees may discuss and take official action on bills, resolutions,  
7 or other matters without testimony; or

8 (c) a work session at which the committee may discuss bills, resolutions, or other matters but take no  
9 formal action.

10 (3) All committees meet at the call of the chairman or upon the request of a majority of the members of  
11 the committee directed to and with the approval of the Speaker.

12 (4) All committees shall provide for and give public notice, reasonably calculated to give actual notice  
13 to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are  
14 encouraged to provide at least 3 legislative days notice to members of committees and the general public.  
15 However, a meeting may be held upon notice appropriate to the circumstances.

16 (5) A committee may not meet during the time the House is in session without leave of the Speaker. Any  
17 member attending such a meeting must be considered excused to attend business of the House subject to a call  
18 of the House.

19 (6) All meetings of committees must be recorded and the minutes must be available to the public within  
20 a reasonable time after the meeting. The official record must contain at least the following information:

21 (a) the time and place of each meeting of the committee;

22 (b) committee members present, excused, or absent;

23 (c) the names and addresses of persons appearing before the committee, whom each represents, and  
24 whether the person is a proponent, opponent, or other witness;

25 (d) all motions and their disposition;

26 (e) the results of all votes;

27 (f) references to the recording log, sufficient to serve as an index to the original recording; and

28 (g) testimony and exhibits submitted in writing.

29 **H30-50. Procedures -- absentee or proxy voting -- member privileges.** (1) The chairman shall notify  
30 the sponsor of any bill pending before the committee of the time and place it will be considered.

1 (2) A standing or select committee may not take up referred legislation unless the sponsor or one of the  
2 cosponsors is present or unless the sponsor has given written consent. The chairman shall attempt to not  
3 schedule Senate bills while the Senate is in session.

4 (3) The committee shall act on each bill in its possession:

5 (a) by reporting the bill out of the committee:

6 (i) with the recommendation that it be referred to another committee;

7 (ii) favorably as to passage; or

8 (iii) unfavorably; or

9 (b) by tabling the measure in committee.

10 (4) The committee may not report a bill to the House without recommendation.

11 (5) The committee may recommend that a bill on which it has made a favorable recommendation by  
12 unanimous vote be placed on the consent calendar. A tie vote in a standing committee on the question of a  
13 recommendation to the whole House on a matter before the committee, for example on a question of whether  
14 a bill is recommended as "do pass" or "do not pass", does not result in the matter passing out to the whole House  
15 for consideration without recommendation.

16 (6) In reporting a measure out of committee, a committee shall include in its report:

17 (a) the measure in the form reported out;

18 (b) the recommendation of the committee;

19 (c) an identification of all substantive changes; and

20 (d) a fiscal note, if required.

21 (7) If a measure is withdrawn from a committee and brought to the House floor for debate on second  
22 reading on that day without a committee recommendation, the bill does not include amendments formally adopted  
23 by the committee because committee amendments are merely recommendations to the House that are formally  
24 adopted when the committee report is accepted by the House.

25 (8) A second to any motion offered in a committee is not required in order for the motion to be considered  
26 by the committee.

27 (9) The vote of each member on all committee actions must be recorded. All motions may be adopted  
28 only on the affirmative vote of a majority of the members voting. Standing and select committees may by a  
29 majority vote of the committee authorize members to vote by proxy if absent, while engaged in other legislative  
30 business. Authorization for absentee or proxy voting must be reflected in the committee minutes.

1 (10) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the  
2 members present at any meeting of the committee.

3 (11) An action formally taken by a committee may not be altered in the committee except by  
4 reconsideration and further formal action of the committee.

5 (12) A committee may reconsider any action as long as the matter remains in the possession of the  
6 committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

7 (13) Any legislation requested by a committee requires three-fourths of all members of the committee to  
8 vote in favor of the question to allow the committee to request the drafting or introduction of legislation. Votes  
9 requesting drafting and introduction of committee legislation may be taken jointly or separately.

10 (14) The chairman shall decide points of order.

11 (15) The privileges of committee members include the following:

12 (a) to participate freely in committee discussions and debate;

13 (b) to offer motions;

14 (c) to assert points of order and privilege;

15 (d) to question witnesses upon recognition by the chairman;

16 (e) to offer any amendment to any bill; and

17 (f) to vote, either by being present or by proxy if authorized pursuant to subsection (9), using a standard  
18 form or through the vice chairman or minority vice chairman.

19 (16) Any meeting of a committee held through the use of telephone or other electronic communication  
20 must be conducted in accordance with Chapter 3 of the House Rules.

21 (17) A committee may consolidate into one bill any two or more related bills referred to it whenever  
22 legislation may be simplified by the consolidation.

23 (18) Committee procedure must be informal, but when any questions arise on committee procedure, the  
24 rules or practices of the House are applicable except as stated in the House Rules.

25 **H30-60. Public testimony -- decorum -- time restrictions.** (1) Testimony from proponents, opponents,  
26 and informational witnesses must be allowed on every bill or resolution before a standing or select committee.  
27 All persons, other than the sponsor, offering testimony shall register on the committee witness list.

28 (2) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a  
29 reasonable opportunity to do so, orally or in writing. Written testimony may not be required of any witness, but  
30 all witnesses must be encouraged to submit a statement in writing for the committee's official record.

1 (3) The chairman may order the committee room cleared of visitors if there is disorderly conduct. During  
2 committee meetings, visitors may not speak unless called upon by the chairman. Restrictions on time available  
3 for testimony may be announced.

4 (4) The number of people in a committee room may not exceed the maximum posted by the State Fire  
5 Marshal. The chairman shall maintain that limit.

6 (5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication  
7 equipment is allowed, but the chairman may designate the areas of the hearing room from which the equipment  
8 must be operated. Cell phone use is allowed only at the discretion of the chairman.

#### 9 CHAPTER 4

#### 10 Legislation

11 **H40-10. Introduction deadlines.** If a representative accepts drafted legislation from the Legislative  
12 Services Division after the deadline for preintroduction, the representative may not introduce that legislation after  
13 2 legislative days from the time the bill was accepted from the Legislative Services Division.

14 **H40-20. House resolutions.** (1) A House resolution is used to adopt or amend House rules, make  
15 recommendations on the districting and apportionment plan (Montana Constitution, Art. V, Sec. 14), express the  
16 sentiment of the House, or assist House operations.

17 (2) As to drafting, introduction, and referral, a House resolution is treated as a bill. A House resolution  
18 may be requested and introduced at any time. Final passage of a House resolution is determined by the  
19 Committee of the Whole report. A House resolution does not progress to third reading.

20 (3) The Chief Clerk shall transmit a copy of each passed House resolution to the Senate and the  
21 Secretary of State.

22 **H40-30. Cosponsors.** (1) Prior to submitting legislation to the Chief Clerk for introduction, the chief  
23 sponsor may add representatives and senators as cosponsors by having them sign the legislation.

24 (2) After legislation is submitted for introduction but before the legislation returns from the first House  
25 committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Chief Clerk. This  
26 filing must be noted by the Chief Clerk for the record on Order of Business No. 11.

27 **H40-40. Introduction -- receipt -- messages from Senate and elected officials.** (1) During a session,  
28 proposed House legislation may be introduced in the House by submitting it, endorsed with the signature of a  
29 representative as chief sponsor, to the Chief Clerk for introduction. Except for the first 15 bill numbers that may  
30 be reserved for preintroduced legislation, in each session of the Legislature, the proposed legislation must be

1 numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed  
2 legislation constitutes introduction.

3 (2) Preintroduction of legislation prior to a session under provisions of the joint rules constitutes  
4 introduction in the House.

5 (3) Acknowledgment by the Chief Clerk of receipt of legislation or other matters transmitted from the  
6 Senate for consideration by the House constitutes introduction of the Senate legislation in the House or receipt  
7 by the House for purposes of applying time limits contained in the House rules. All legislation may be referred  
8 to a committee prior to being read across the rostrum as provided in H40-50.

9 (4) Acknowledgment by the Chief Clerk of receipt of messages from the Senate or other elected officials  
10 constitutes receipt by the House for purposes of any applicable time limit. Senate legislation or messages  
11 received from the Senate or elected officials are subject to all other rules.

12 **H40-50. First reading -- receipt of Senate legislation.** Legislation properly introduced or received in  
13 the House must be announced across the rostrum and public notice provided. This announcement constitutes  
14 first reading, and no debate or motion is in order except that a representative may question adherence to rules.  
15 Acknowledgment by the Chief Clerk of receipt of legislation transmitted from the Senate commences the time limit  
16 for consideration of the legislation. All legislation received by the House may be referred to a committee prior to  
17 being read across the rostrum.

18 **H40-60. One reading per day -- exception.** Except on the final legislative day, legislation may receive  
19 no more than one reading per legislative day. On the final legislative day, legislation may receive more than one  
20 reading.

21 **H40-70. Referral.** (1) The Speaker shall refer to a House committee, joint select committee, or joint  
22 special committee all properly introduced House legislation and transmitted Senate legislation in conformity to  
23 the committee jurisdiction.

24 (2) Legislation may not receive final passage and approval unless it has been referred to a House  
25 committee, joint select committee, or joint special committee.

26 **H40-80. Rereferral -- normal progression.** (1) Except as provided in subsection (2), legislation that is  
27 in the possession of the House and that has not been finally disposed of may be rereferred to a House committee  
28 by House motion approved by not less than three-fifths of the members present and voting.

29 (2) Legislation that is in the possession of the House and that has been reported from a committee with  
30 a do pass or be concurred in recommendation may be rereferred to a House committee by a majority vote.

1 (3) The normal progress of legislation through the House consists of the following steps in the order  
2 listed: introduction; referral to a standing or select committee; a report from the committee; second reading; and  
3 third reading.

4 **H40-90. Legislation withdrawn from committee.** Legislation may be withdrawn from a House  
5 committee by House motion approved by not less than three-fifths of the members present and voting.

6 **H40-100. Standing committee reports -- requirement for rejection of adverse committee report.**

7 (1) A House standing committee recommendation of "do pass" or "be concurred in" must be announced across  
8 the rostrum and, if there is no objection to form, is considered adopted.

9 (2) A recommendation of "do not pass" or "be not concurred in" must be announced across the rostrum  
10 and, on the following legislative day, may be debated and adopted or rejected on Order of Business No. 2. A  
11 motion to reject an adverse committee report must be approved by not less than three-fifths of the members  
12 voting. Failure to adopt a motion to reject an adverse committee report constitutes adoption of the report.

13 (3) If the House rejects an adverse committee report, the bill progresses to second reading, as scheduled  
14 by the Speaker, with any amendments recommended by the committee.

15 **H40-110. Consent calendar procedure.** (1) Noncontroversial bills and simple and joint resolutions may  
16 be recommended for the consent calendar by a standing committee and processed according to the following  
17 provisions:

18 (a) To be eligible for the consent calendar, the legislation must receive a unanimous vote by the  
19 members of the standing committee in attendance (do pass, do pass as amended). In addition, a motion must  
20 be made and passed unanimously to place the legislation on the consent calendar and this action reflected in  
21 the committee report. Appropriation or revenue bills may not be recommended for the consent calendar.

22 (b) The legislation must then be sent to be processed and reproduced as a third reading version and  
23 specifically marked as a "consent calendar" item.

24 (2) Other legislation may be placed on the consent calendar by agreement between the Speaker and  
25 the minority leader following a positive recommendation by a standing committee. The legislation must be sent  
26 to be processed as a second reading version but must be specifically announced and posted as a "consent  
27 calendar" item.

28 (3) Legislation must be posted immediately (as soon as it is received appropriately printed) on the  
29 consent calendar and must remain there for 1 legislative day before consideration under Order of Business No.  
30 11, special orders of the day. At that time, the presiding officer shall announce consideration of the consent

1 calendar and allow "reasonable time" for questions and answers upon request. No debate is allowed.

2 (4) If any one representative submits a written objection to the placement of legislation on the consent  
3 calendar, the legislation must be removed from the consent calendar and added to the regular second reading  
4 board.

5 (5) Consent calendar legislation will be considered on Order of Business No. 8, third reading of bills,  
6 following the regular third reading agenda, as separately noted on the agenda.

7 (6) Legislation on the consent calendar must be considered individually with the roll call vote spread on  
8 the journal as the final vote in the House.

9 (7) Legislation passed on the consent calendar must then be transmitted to the Senate. Legislation must  
10 be appropriately printed prior to transmittal.

11 **H40-120. Legislation requiring other than a majority vote.** Legislation that requires other than a  
12 majority vote for final passage needs only a majority vote for any action that is taken prior to third reading and  
13 that normally requires a majority vote.

14 **H40-130. Amending House second and third reading agendas -- vote requirements.** (1) A majority  
15 of representatives present may rearrange or remove legislation from either the second or third reading agenda  
16 on that legislative day.

17 (2) Legislation may be added to the second or third reading agenda on that legislative day on a motion  
18 approved by not less than three-fifths of the members present and voting.

19 **H40-140. Second reading -- timing -- obverse vote on failed motion -- status of amendments --**  
20 **rejection of report -- segregation.** (1) Legislation returned or withdrawn from committee ~~may~~ by motion must  
21 be placed on second reading ~~unless otherwise ordered by the House~~ prior to the transmittal deadlines provided  
22 for in Joint Rule 40-200 that are applicable to each piece of legislation.

23 (2) The House shall form itself into a Committee of the Whole to consider business on second reading.  
24 The Committee of the Whole may debate legislation, attach amendments, and recommend approval or  
25 disapproval of legislation.

26 (3) Except on the final legislative day, at least 1 legislative day must elapse between the time legislation  
27 is reported from committee and the time it is considered on second reading.

28 (4) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of the  
29 Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is considered to  
30 have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in" fails in the Committee



1 of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be concurred in", is considered to  
2 have passed.

3 (5) An amendment attached to legislation by the Committee of the Whole remains unless removed by  
4 further legislative action.

5 (6) When the Committee of the Whole reports to the House, the House shall adopt or reject the  
6 Committee of the Whole report. If the House rejects the Committee of the Whole report, the legislation remains  
7 on second reading, as amended by the Committee of the Whole, unless the House orders otherwise.

8 (7) A representative may move to segregate legislation from the Committee of the Whole report before  
9 the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on  
10 second reading unless the House orders otherwise. Amendments adopted by the Committee of the Whole on  
11 segregated legislation remain adopted unless reconsidered pursuant to H50-170 or unless the legislation is  
12 rereferred to a committee.

13 **H40-150. Amendments in the Committee of the Whole -- timing -- official records.** (1) All Committee  
14 of the Whole amendments must be prepared by the Legislative Services Division and checked by the House  
15 amendments coordinator for format, style, clarity, consistency, and other factors, in accordance with the most  
16 recent Bill Drafting Manual published by the Legislative Services Division, before the amendment may be  
17 accepted at the rostrum. The amendment form must include the date and time the amendment is submitted for  
18 that check.

19 (2) An amendment submitted to the rostrum for consideration by the Committee of the Whole must be  
20 marked as checked by the amendments coordinator and signed by a representative. Unless the majority leader,  
21 the minority leader, and sponsor agree, amendments must be printed and placed on the members' desks prior  
22 to consideration.

23 (3) An amendment may not be proposed until the sponsor has opened on a bill.

24 (4) A copy of every amendment rejected by the Committee of the Whole must be kept as part of the  
25 official records.

26 (5) An amendment may not change the original purpose of the bill.

27 **H40-160. Motions in the Committee of the Whole -- quorum required.** (1) When the House resolves  
28 itself into a Committee of the Whole, the only motions in order are to:

29 (a) ~~amend~~ recommend passage or nonpassage;

30 (b) ~~recommend passage or nonpassage~~ concurrency or nonconcurrency (Senate amendments to House

1 legislation);

2 (c) ~~recommend concurrence or nonconcurrence~~ amend;

3 (d) reconsider as provided in H50-170;

4 (e) pass consideration;

5 (f) call for cloture;

6 (g) change the order in which legislation is placed on the agenda; and

7 ~~(g)(h) rise, rise and report, or rise and report progress and beg leave to sit again; and~~

8 ~~—— (h) to change the order in which legislation is placed on the agenda.~~

9 (2) Subsections (1)(d) through ~~(1)(g)~~ (1)(f) and (1)(h) are nondebatable but may be amended. Once a  
10 motion under subsection (1)(a) or (1)(b) ~~or (1)(e)~~ is made, a contrary motion is not in order.

11 (3) The motions listed in subsection (1) may be made in descending order as listed.

12 ~~(3)(4)~~ If a quorum of representatives is not present during second reading, the Committee of the Whole  
13 may not conduct business on legislation and a motion for a call of the House without a quorum is in order.

14 **H40-170. Limits on debate in the Committee of the Whole.** (1) Except as provided in H40-180, a  
15 representative may not speak more than once on the motion and may speak for no more than 5 minutes. The  
16 representative who makes the motion may speak a second time for 5 minutes in order to close.

17 (2) After at least two proponents and two opponents have spoken on a question and 30 minutes have  
18 elapsed, a motion to call for cloture is in order. Approval by not less than two-thirds of the members present and  
19 voting is required to sustain a motion for cloture. Notwithstanding the passage of a motion to end debate, the  
20 sponsor of the motion on which debate was ended may close.

21 (3) By previous agreement of the majority leader and the minority leader:

22 (a) a lead proponent and a lead opponent may be granted additional time to speak on a bill;

23 (b) a bill or resolution may be allocated a predetermined amount of time for debate and number of  
24 speakers.

25 **H40-180. Special provisions for debate on the general appropriations bill -- sections --**  
26 **amendments.** (1) The Appropriations Committee chairman, in presenting the bill, is not subject to the 5-minute  
27 speaking limitation.

28 (2) Each appropriations subcommittee chairman shall fully present the chairman's portion of the bill. A  
29 subcommittee chairman is not subject to the 5-minute speaking limitation.

30 (3) After the presentation by the subcommittee chairman, the respective section of the bill is open for

1 debate, questions, and amendments. A proposed amendment to the general appropriations act may not be  
2 divided.

3 (4) An amendment that affects more than one section of the bill must be offered when the first section  
4 affected is considered.

5 (5) Following completion of the debate on each section, that section is closed and may not be reopened  
6 except by majority vote.

7 (6) If a member moves to reopen a section for amendment, only the amendment of that member may  
8 be entertained. Another member wishing to amend the same section shall make a separate motion to reopen the  
9 section.

10 (7) Debate on the motion to reopen a section is limited to the question of reopening the section. The  
11 amendment itself may not be debated at that time. This limitation does not prohibit the member from explaining  
12 the amendment to be considered.

13 **H40-190. Engrossing.** (1) After legislation is passed on second reading, it must be engrossed within 48  
14 hours under the direction of the Speaker. The Speaker may grant additional time for engrossing.

15 (2) When the legislation that has passed second reading, as amended, has been correctly engrossed,  
16 it must be placed on third reading on the following legislative day. If the bill is not amended, the bill must be sent  
17 to printing and must be placed on third reading on the legislative day after receipt. On the final legislative day,  
18 the correctly engrossed legislation may be placed on third reading on the same legislative day. For the purposes  
19 of this rule, "engrossing" means placing amendments in a bill. (See Joint Rule 40-150.)

20 **H40-200. Third reading.** (1) All bills, joint resolutions, and Senate amendments to House bills and joint  
21 resolutions passing second reading must be placed on third reading the day following the receipt of the  
22 engrossing or other appropriate printing report.

23 (2) Legislation on third reading may not be amended or debated.

24 (3) The Speaker shall state the question on legislation on third reading. If a majority of the  
25 representatives voting does not approve the legislation, it fails to pass third reading.

26 **H40-210. Senate legislation in the House.** Senate legislation properly transmitted to the House must  
27 be treated as House legislation.

28 **H40-220. Senate amendments to House legislation.** (1) When the Senate has properly returned House  
29 legislation with Senate amendments, the House shall announce the amendments on Order of Business No. 4,  
30 and the Speaker shall place them on second reading for debate. The Speaker may rerefer House legislation with

1 Senate amendments to a committee for a hearing if the Senate amendments constitute a significant change in  
2 the House legislation. The second reading vote is limited to consideration of the Senate amendments.

3 (2) If the House accepts Senate amendments, the House shall place the final form of the legislation on  
4 third reading to determine if the legislation, as amended, is passed or if the required vote is obtained.

5 (3) If the House rejects the Senate amendments, the House may request the Senate to recede from its  
6 amendments or may direct appointment of a conference committee and request the Senate to appoint a like  
7 committee.

8 ~~(4) Conference committees must be composed of an equal number of members from each political party.  
9 The members of conference committees must be appointed by the Speaker and the minority leader after good  
10 faith consultation. The Speaker and the minority leader shall appoint the members of their respective parties.~~

11 **H40-230. Conference committee reports.** (1) When a House conference committee files a report, the  
12 report must be announced under Order of Business No. 3. ~~A tie vote in a conference committee on the question  
13 of a recommendation to the whole House on a matter referred for a conference results in the matter passing out  
14 to the whole House for consideration without recommendation.~~

15 (2) The House may debate and adopt or reject the conference committee report on second reading on  
16 any legislative day. The House may reconsider its action in rejecting a conference committee report under rules  
17 for reconsideration, H50-160.

18 (3) If both the House and the Senate adopt the same conference committee report on legislation  
19 requiring more than a majority vote for final passage, the House, following approval of the conference committee  
20 report on third reading, shall place the final form of the legislation on third reading to determine if the required vote  
21 is obtained.

22 (4) If the House rejects a conference committee report, the committee continues to exist unless dissolved  
23 by the Speaker or by motion. The committee may file a subsequent report.

24 (5) A House conference committee may confer regarding matters assigned to it with any Senate  
25 conference committee with like jurisdiction and submit recommendations for consideration of the House.

26 **H40-240. Enrolling.** (1) When House legislation has passed both houses, it must be enrolled within 48  
27 hours under the direction of the Speaker. The Speaker may grant additional time for enrolling.

28 (2) The chief sponsor of the legislation shall examine the enrolled legislation and, if it has no enrolling  
29 errors, shall, within 1 legislative day, certify the legislation as correctly enrolled.

30 (3) The correctly enrolled legislation must be delivered to the Speaker, who shall sign the legislation.

1 (4) After the legislation has been reported correctly enrolled but before it is signed, any representative  
2 may examine the legislation. (See Joint Rule 40-160.)

3 **H40-250. Governor's amendments.** (1) When the Governor returns a bill with recommended  
4 amendments, the House shall announce the amendments under Order of Business No. 5.

5 (2) The House may debate and adopt or reject the Governor's recommended amendments on second  
6 reading on any legislative day.

7 (3) If both the House and the Senate accept the Governor's recommended amendments on a bill that  
8 requires more than a majority vote for final passage, the House shall place the final form of the legislation on third  
9 reading to determine if the required vote is obtained.

10 **H40-260. Governor's veto.** (1) When the Governor returns a bill with a veto, the House shall announce  
11 the veto under Order of Business No. 5.

12 (2) On any legislative day, a representative may move to override the Governor's veto by a two-thirds  
13 vote under Order of Business No. 9.

## 14 CHAPTER 5

### 15 Floor Actions

16 **H50-10. Attendance -- excuse -- call of the House.** (1) A representative, unless excused, is required  
17 to be present at every sitting of the House.

18 (2) A representative may request in writing to be excused for a specified cause by the representative's  
19 party leader. This excused absence is not a leave with cause from a call of the House.

20 **H50-20. Quorum.** (1) A quorum of the House is fifty-one representatives (Montana Constitution, Art. V,  
21 Sec. 10).

22 (2) Any representative may question the lack of a quorum at any time a vote is not being taken. The  
23 question is nondebatable, may not be amended, and is resolved by a roll call.

24 (3) The House may not conduct business without a quorum, except that representatives present may  
25 convene, compel the attendance of absent representatives, or adjourn.

26 **H50-30. Call of the House without a quorum.** (1) In the absence of a quorum, a majority of the  
27 representatives present may compel the attendance of absent representatives through a call of the House without  
28 a quorum. The motion for the call is nondebatable, may not be amended, and is in order at any time it has been  
29 established that a quorum is not present.

30 (2) During a call of the House, all business is suspended. No motion is in order except a motion to

1 adjourn or to remove the call.

2 (3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also  
3 be lifted by adjournment or by two-thirds of the representatives present and voting.

4 **H50-40. Call of the House with a quorum.** (1) If a quorum is present but at least one representative is  
5 excused or absent, one-third of the representatives present and voting may order a call of the House with a  
6 quorum.

7 (2) The motion for a call is nondebatable, may not be amended, and is in order at any time a vote is not  
8 being taken, except that a call of the House with a quorum is not allowed in the Committee of the Whole.

9 (3) During a call of the House, all business is suspended. No motion is in order except a motion to  
10 adjourn or to remove the call.

11 (4) When all representatives are present, except those on leave with cause, the call is automatically  
12 lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.

13 **H50-50. Leave with cause during call of the House.** (1) During a call of the House, a representative  
14 with an overriding medical or personal reason may request a leave with cause.

15 (2) If the representative is present at the time of the call, the Speaker may approve a request for a leave  
16 with cause.

17 (3) If the representative is not present at the time of the call, two-thirds of the representatives present  
18 and voting may approve a request for leave with cause.

19 (4) During a call of the House, a representative on leave with cause may not cast an absentee vote.

20 **H50-60. Opening and order of business.** The opening of each legislative day must include an  
21 invocation, the pledge of allegiance, and roll call. Following the opening, the order of business of the House is  
22 as follows:

23 (1) communications and petitions;

24 (2) reports of standing committees;

25 (3) reports of select committees;

26 (4) messages from the Senate;

27 (5) messages from the Governor;

28 (6) first reading and commitment of bills;

29 (7) second reading of bills;

30 (8) third reading of bills;

- 1 (9) motions;  
2 (10) unfinished business;  
3 (11) special orders of the day; and  
4 (12) announcement of committee meetings.

5 **H50-70. Motions.** (1) Any representative may propose a motion allowed by the rules for the order of  
6 business under which the motion is offered for the consideration of the House. Unless otherwise specified in rule  
7 or law, a majority of representatives voting is necessary and sufficient to decide a motion.

8 (2) Seconds to motions on the House floor are not required.

9 (3) Absentee votes are not allowed on votes that are specified as "representatives present and voting".

10 (4) The majority leader shall make routine procedural motions required to conduct the business of the  
11 House.

12 **H50-80. Limits on debate of debatable motions.** (1) Except for the representative who places a  
13 debatable motion before the body, no representative may speak more than once on the question unless a  
14 unanimous House consents. The representative who places the motion may close.

15 (2) No representative may speak for more than 10 minutes on the same question, except that a  
16 representative may have 5 minutes to close.

17 **H50-90. Nondebatable motions.** (1) A representative has the right to understand any question before  
18 the House and, usually under the administration of the presiding officer, may ask questions to exercise this right.

19 (2) The following motions are nondebatable:

20 (a) to adjourn pursuant to H50-250;

21 (b) for a call of the House;

22 (c) to recess or rise;

23 (d) for parliamentary inquiry;

24 (e) to table or take from the table;

25 (f) to call for the previous question or cloture;

26 (g) to amend a nondebatable motion;

27 (h) to divide a question;

28 (i) to suspend the rules;

29 (j) all incidental motions, such as motions relating to voting or of a general procedural nature; ~~and~~

30 (k) to appeal a call to order;

1           (l) to question the lack of a quorum pursuant to H50-20; and

2           (m) to change a vote pursuant to H50-210.

3           **H50-100. Questions.** A representative may, through the presiding officer, ask questions of another  
4 representative during a floor session. There is no limit on questions and answers, except as provided in H20-50.

5           **H50-110. Amending motions -- limitations.** (1) A representative may move to amend the specific  
6 provisions of a motion without changing its substance.

7           (2) No more than one motion to amend a motion is in order at any one time.

8           (3) A motion for a call of the House, for the previous question, to table, or to take from the table may not  
9 be amended.

10          **H50-120. Substitute motions.** (1) When a question is before the House, no substitute motion may be  
11 made except the following, which have precedence in the order listed:

12           (a) to adjourn (nondebatable H50-90 and H50-250);

13           (b) for a call of the House (nondebatable H50-90);

14           (c) to recess or rise (nondebatable H50-90);

15           (d) for a question of privilege;

16           (e) to table (nondebatable H50-90);

17           (f) to call for the previous question or cloture;

18           (g) to postpone consideration to a day certain;

19           (h) to refer to a committee; and

20           (i) to propose amendments.

21           (2) Nothing in this section allows a motion that would not otherwise be allowed under a particular order  
22 of business.

23           (3) (a) Except as provided in subsection (3)(b), no more than one substitute motion is in order at any one  
24 time.

25           (b) A motion for cloture is in order on a substitute motion to amend.

26          **H50-130. Withdrawing motions.** A representative who proposes a motion may withdraw it before it is  
27 voted on or amended.

28          **H50-140. Dividing a question.** Except as provided in H40-180(3), a representative may request to divide  
29 a question as a matter of right if it includes two or more propositions so distinct that they can be separated and  
30 if at least one substantive question remains after one substantive question is removed. The request is



1 nondebatable under H50-90. The presiding officer may rule that a question is nondivisible. The ruling of the chair  
2 may be appealed as provided in H50-160(15) or (17) and H70-50. For an appeal of a ruling of the presiding  
3 officer, the question for the house must be stated as, "Shall the ruling of the chair be upheld?".

4 **H50-150. Previous question -- close.** (1) If a majority of representatives present and voting adopts a  
5 motion for the previous question, debate is closed on the question and it must be brought to a vote. The Speaker  
6 may not entertain a motion to end debate unless at least one proponent and one opponent have spoken on the  
7 question.

8 (2) Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate  
9 was ended may close.

10 **H50-160. Questions requiring other than a majority vote.** The following questions require the vote  
11 specified for each condition:

12 **100 House Members**

13 (1) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant  
14 to Article XII, section 4, of the Montana Constitution (two-thirds);

15 (2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund pursuant  
16 to Article IX, section 5, of the Montana Constitution (three-fourths);

17 (3) a motion to approve a bill to appropriate highway revenue, as described in Article VIII, section 6, of  
18 the Montana Constitution, for purposes other than therein described (three-fifths);

19 (4) a motion to approve a bill to authorize creation of state debt pursuant to Article VIII, section 8, of the  
20 Montana Constitution (two-thirds);

21 (5) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article  
22 IX, section 6, of the Montana Constitution (three-fourths);

23 (6) a motion to temporarily suspend a joint rule governing the procedure for handling bills pursuant to  
24 Joint Rule 60-10(2) (two-thirds).

25 **Members Present and Voting**

26 (1) a motion to override the Governor's veto pursuant to H40-260 and Article VI, section 10(3), of the  
27 Montana Constitution (two-thirds);

28 (2) a call of the House with a quorum pursuant to H50-40(1) (one-third);

29 (3) a motion to lift a call of the House pursuant to H50-30(3) or H50-40(4) (two-thirds);

30 (4) a motion to rerefer a bill from one committee to another pursuant to H40-80(1) (three-fifths);

- 1 (5) a motion to withdraw a bill from a committee pursuant to H40-90 (three-fifths);
- 2 (6) a motion to add legislation to the second or third reading agenda on that day pursuant to H40-130(2)
- 3 (three-fifths);
- 4 (7) a motion to remove legislation from its normal progress through the House as provided under
- 5 H40-80(3) and reassign it unless otherwise specifically provided by these rules, such as H40-80(2) (three-fifths);
- 6 (8) a motion to change a vote pursuant to H50-210 (unanimous);
- 7 (9) a motion to call for cloture pursuant to H40-170(2) (two-thirds);
- 8 ~~(10) a motion to take from the table in Committee of the Whole (three-fifths);~~
- 9 ~~(11)~~(10) a motion to approve a bill conferring immunity from suit as described in Article II, section 18,
- 10 of the Montana Constitution (two-thirds);

### 11 **Members Voting**

- 12 ~~(1)~~(11) a motion to amend rules pursuant to H70-10(2) or suspend rules pursuant to H70-30 (two-thirds);
- 13 ~~(2)~~(12) a motion to overturn an adverse committee report pursuant to H40-100(2) (three-fifths);
- 14 ~~(3)~~(13) a motion to record a vote pursuant to H50-200(2) (one representative);
- 15 ~~(4)~~(14) a motion to record a vote in the journal (two representatives);
- 16 ~~(5)~~(15) an appeal of the ruling of the presiding officer pursuant to H20-20(1) or H20-80(2) (three
- 17 representatives);
- 18 ~~(6)~~(16) a motion to speak more than once on a debatable motion pursuant to H50-80(1) (unanimous
- 19 vote);
- 20 ~~(7)~~(17) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee
- 21 pursuant to H70-50 (15 representatives).

### 22 **Entire Legislature**

- 23 (1) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV,
- 24 section 8, of the Montana Constitution (two-thirds of the entire Legislature).

25 **H50-170. Reconsideration -- time restriction.** (1) Any representative may, within 1 legislative day of

26 a vote, move to reconsider the House vote on any matter still within the control of the House.

27 (2) A motion for reconsideration, unless tabled or replaced by a substitute motion, must be disposed of

28 when made.

29 (3) When a motion for reconsideration fails, the question is finally settled. A motion for reconsideration

30 may not be renewed or reconsidered.

1 (4) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the  
2 same rules.

3 (5) A motion for reconsideration is not in order on a vote to postpone to a day certain or to table  
4 legislation.

5 (6) There may be only one reconsideration vote on a specific issue on a legislative day.

6 **H50-180. Renewing procedural motions.** The House may renew a procedural motion if further House  
7 business has intervened.

8 **H50-190. Tabling.** (1) Under Order of Business No. 9, a representative may move to table any question,  
9 motion, or legislation before the House except the question of a quorum or a call of the House. The motion is  
10 nondebatabile and may not be amended.

11 (2) When a matter has been tabled, a representative may move to take it from the table under Order of  
12 Business No. 9 on any legislative day.

13 **H50-200. Voting -- conflict of interest -- present by electronic means.** (1) The representatives shall  
14 vote to decide any motion or question properly before the House. Each representative has one vote.

15 (2) The House may, without objection, use a voice vote on procedural motions that are not required to  
16 be recorded in the journal. If a representative rises and objects, the House shall record the vote.

17 (3) The House shall record the vote on all substantive questions. If the voting system is inoperable, the  
18 Chief Clerk shall record the representatives' votes by other means.

19 (4) A member who is present shall vote unless the member has disclosed a conflict of interest to the  
20 House.

21 (5) A member may be present for a vote by electronic means.

22 **H50-210. Changing a vote -- consent required.** (1) A representative may move to change the  
23 representative's vote within 1 legislative day of the vote. The motion is nondebatabile. The motion must be made  
24 on Order of Business No. 9, motions. All of the members present and voting are required to consent to the  
25 change in order for it to be effective.

26 (2) The representative making the motion shall first specify the bill number, the question, and the original  
27 vote tally. A vote may not be changed if it would affect the outcome of legislation.

28 (3) A vote change must be entered into the journal as a notation that the member's vote was changed.  
29 The original printed vote will not be reprinted to reflect the change.

30 (4) An error caused by a malfunction of the voting system may be corrected without a vote.



- 1 (3) to recess or rise;  
 2 (4) for parliamentary inquiry;  
 3 (5) to table or to take from the table;  
 4 (6) to call for the previous question or for cloture;  
 5 (7) to amend a nondebatable motion;  
 6 (8) to divide a question;  
 7 (9) to suspend the rules; and  
 8 (10) all incidental motions, such as motions relating to voting or of a general procedural nature.

9 **H60-30. Motions allowed during debate.** (1) When a question is under debate, only the following  
 10 motions are in order. The motions have precedence in the following order:

- 11 (a) to adjourn;  
 12 (b) for a call of the House;  
 13 (c) to recess or rise;  
 14 (d) for a question of privilege;  
 15 (e) to table or take from the table;  
 16 (f) to call for the previous question or cloture;  
 17 (g) to postpone consideration to a day certain;  
 18 (h) to refer or rerefer; and  
 19 (i) to propose amendments.

20 (2) This section does not allow a motion that would not otherwise be allowed under a particular order  
 21 of business.

22 (3) Only one substitute motion is in order at any time.

23 **H60-40. Motions to adjourn or recess.** (1) A motion to adjourn or recess is always in order, except:

- 24 (a) when the House is voting on another motion;  
 25 (b) when the previous question has been ordered and before the final vote;  
 26 (c) when a member entitled to the floor has not yielded for that purpose; or  
 27 (d) when business has not been transacted after the defeat of a motion to adjourn or recess.

28 (2) A motion to adjourn sine die pursuant to H50-250 is subject to Article V, section 10(5), of the Montana  
 29 Constitution.

30 ~~(2)~~(3) The vote by which a motion to adjourn or recess is carried or fails is not subject to a motion to

1 reconsider.

2 **H60-50. Motion to table.** (1) A motion to table, if carried, has the effect of postponing action on the  
3 proposition to which it was applied until superseded by a motion to take from the table.

4 (2) ~~The~~ After a vote by which on a motion to table is carried or fails, the motion cannot be reconsidered.

5 (3) A motion to table is not in order after the previous question has been ordered.

6 **H60-60. Motion to postpone.** A motion to postpone to a day certain may be amended and is debatable  
7 within narrow limits. The merits of the proposition that is the subject of the motion to postpone may not be  
8 debated.

9 **H60-70. Motion to refer.** When a motion is made to refer a subject to a standing committee or select  
10 committee, the question on the referral to a standing committee must be put first.

11 **H60-80. Terms of debate on motion to refer or rerefer.** (1) A motion to refer or rerefer is debatable  
12 within narrow limits. The merits of the proposition that is the subject of the motion may not be debated.

13 (2) A motion to refer or rerefer with instructions is fully debatable.

14 **H60-100. Moving the previous question after a motion to table.** (1) If a motion to table is made  
15 directly to a main motion, a motion for the previous question is not in order.

16 (2) If an amendment to a main motion is pending and a motion to table is made, the previous question  
17 may be called on the main motion, the pending amendment, and the motion to table the amendment.

18 **H60-110. Standard motions.** The following are standard motions:

19 (1) moving House bills or resolutions on second reading, "Mister/Madam Chairman, I move that when  
20 this committee does rise and report after having under consideration House Bill \_\_\_\_, that it recommend the same  
21 (do pass)/(do pass as amended)/(do not pass)."

22 (2) moving Senate bills and Senate amendments to House bills, "Mister/Madam Chairman, I move that  
23 when this committee does rise and report after having under consideration Senate Bill \_\_\_\_ /Senate amendments  
24 to House Bill \_\_\_\_, that it recommend the same (be concurred in)/(be not concurred in)."

25 (3) Committee of the Whole floor amendments, "Mister/Madam Chairman, I move that House Bill  
26 \_\_\_\_ /Senate Bill \_\_\_\_ be amended and request that the amendment be posted and deemed read."

27 (4) introducing visitors, "Mister/Madam Speaker/Chairman, I request that we be off the record and out  
28 of the journal."

29 (5) changing a vote, "Mister Speaker, I would like my vote changed on House Bill \_\_\_\_ /Senate Bill \_\_\_\_  
30 from (yes/no) to (yes/no). The question on the bill was ( ) with a vote tally of \_\_\_\_ for and \_\_\_\_ against."

1 (6) question another representative, "Mister/Madam Speaker/Chairman, would Representative \_\_\_ yield  
2 to a question?"

## 3 CHAPTER 7

### 4 Rules

5 **H70-10. House rules -- amendment -- report timing.** (1) The House may adopt, through a House  
6 resolution passed by a majority of its members, rules to govern its proceedings.

7 (2) After adoption of the House rules, two-thirds of the representatives voting must vote in favor of the  
8 question to amend the rules.

9 (3) The Speaker shall refer to the House Rules Committee all resolutions for House rules.

10 (4) The House Rules Committee shall report all resolutions for House rules within 1 legislative day of  
11 referral.

12 **H70-20. Tenure of rules.** Rules adopted by the House remain in effect until removed by House  
13 resolution or until a new House is elected and takes office.

14 **H70-30. Suspension of rules.** The House may suspend a House rule on a motion approved by not less  
15 than two-thirds of the members voting.

16 **H70-40. Supplementary rules.** Mason's Manual of Legislative Procedure (2000) governs House  
17 proceedings in all cases not covered by House rules.

18 **H70-50. Interpreting rules -- appeal.** The Speaker shall interpret all questions on House rules, subject  
19 to appeal by any 15 representatives to the House Rules Committee. Unless the delay would cause legislation  
20 to fail to meet a scheduled deadline, the House Rules Committee may consider and report on the appeal on the  
21 next legislative day. The decision of the House Rules Committee may be appealed to the House by any  
22 representative.

23 **H70-60. Joint rules superseded.** A House rule, insofar as it relates to the internal proceedings of the  
24 House, supersedes a joint rule.

### 25 Appendix

26 (1) Except as provided in subsections (2) through (4), legislation dealing with an enumerated subject  
27 must be referred to a standing committee as follows:

28 **Agriculture:** Agriculture; country of origin labeling for products; crops; crop insurance; farm subsidies;  
29 fuel produced from grain; grazing (other than state land leases); irrigation; livestock; poultry; and weed control.

30 **Appropriations:** Appropriations for the Legislature, general government, and bonding, including

1 supplemental appropriations and the coal severance tax.

2 **Business and Labor:** Alcohol regulation other than taxation; associations; corporations; credit  
3 transactions; employment; financial institutions; gambling; insurance; labor unions; partnerships; private sector  
4 pensions and pension plans; professions and occupations other than the practice of law; salaries and wages;  
5 sales; secured transactions; securities regulation other than criminal provisions; sports other than hunting, fishing,  
6 and competition water sports; trade regulation; unemployment insurance; the Uniform Commercial Code; and  
7 workers' compensation.

8 **Education:** Higher education; home schools; K-12 education; religion in schools; school buildings and  
9 other structures; school libraries and university system libraries; school safety; school sports; school staff other  
10 than teachers; school transportation; students; teachers; and vocational education and training.

11 **Ethics:** Ethical standards applicable to members, officers, and employees of the House and ethical  
12 standards for lobbyists.

13 **Federal Relations, Energy, and Telecommunications:** Energy generation and transmission; Indian  
14 reservations; international relations; interstate cooperation and compacts, except those relating to law  
15 enforcement and water compacts; relations with the federal government; relations with sovereign Indian tribes;  
16 telecommunications; and utilities other than municipal utilities.

17 **Fish, Wildlife, and Parks:** Fish; fishing; hunting; outdoor recreation; parks other than those owned by  
18 local governments; relations with federal and state governments concerning fish and wildlife; Virginia City and  
19 Nevada City; water sports; and wildlife.

20 **Human Services:** Developmentally disabled persons; disabled persons; health; health and disability  
21 insurance; housing; human services; mental illness or incapacity; retirement other than pensions and pension  
22 plans; senior citizens; tobacco regulation other than taxation; and welfare.

23 **Judiciary:** Abortion; arbitration and mediation; civil procedure; constitutional amendments; consumer  
24 protection; contracts; corrections; courts; criminal law; criminal procedure; discrimination; evidence; family law;  
25 fees imposed by or relating to the court system; guaranty; human rights; impeachment; indemnity; judicial system;  
26 landlord and tenant; law enforcement; liability and immunity from liability; minors; practice of law; privacy; property  
27 law; religion other than in schools; state law library; surety; torts; and trusts and estates.

28 **Legislative Administration:** Interim committees and matters related to legislative administration, staffing  
29 patterns, budgets, equipment, operations, and expenditures.

30 **Local Government:** Cities; consolidated governments; counties; libraries and parks owned or operated



1 by local governments; local development; local government finance and revenue; local government officers and  
2 employees, local planning; special districts and other political subdivisions, except school districts; towns; and  
3 zoning.

4 **Natural Resources:** Board of Land Commissioners; dams, except for electrical generation; emission  
5 standards; environmental protection; extractive activities; fires and fire protection, except for a local government  
6 fire department; forests and forestry; hazardous waste; mines and mining; natural gas; natural resources; oil;  
7 pollution; solid waste; state land, except state parks; water and water rights; water bodies and water courses; and  
8 water compacts.

9 **Rules:** House rules; joint rules; legislative procedure; jurisdictions of committees; and rules of decorum.

10 **State Administration:** Administrative rules; arts and antiquities; ballots; elections; initiative and  
11 referendum procedures; military affairs; public contracts and procurement; public employee retirement systems;  
12 state buildings; state employees; state employee benefits; state equipment and property, except state lands and  
13 state parks; state government generally; state-owned libraries other than the state law library; veterans; and  
14 voting.

15 **Taxation:** Taxes other than fuel taxes.

16 **Transportation:** Fuel taxes; highways; railroads; roads; traffic regulation; transportation generally;  
17 vehicles; and vehicle safety.

18 (2) If a select committee is created to address a specific subject, then bills relating to that subject must  
19 be assigned to the select committee.

20 (3) (a) If legislation deals with more than one subject and the subjects are assigned to more than one  
21 committee, the bill must be assigned to a class one committee before a class two committee and to a class two  
22 committee before a class three committee. If there is a conflict of subjects between the same class of committees,  
23 then the bill must be assigned by the Speaker.

24 (b) If a bill contains substantive provisions dealing with policy and an appropriation, the bill must be  
25 referred to the committee with jurisdiction over the subject addressed in the policy provisions. If the bill is reported  
26 from the committee to which it was assigned, the Speaker may rerefer the bill to the Appropriations Committee.  
27 The referral must be announced to the House. The rereferral does not require action or approval by the House,  
28 but may be overturned by a majority vote.

29 (4) If a committee chair upon consultation with the vice chair determines that the committee cannot  
30 effectively process all bills assigned to the committee because of time limitations, the chair shall, in writing,

- 1 request the Speaker to reassign specific bills. The Speaker shall reassign the bills to an appropriate committee.
- 2 The reassignments must be announced to the House. The reassignments do not require action or approval by
- 3 the House, but may be overturned by a three-fifths vote.

4 - END -