

1 HOUSE RESOLUTION NO. 1
 2 INTRODUCED BY 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.)

CHAPTER 2

Decorum

H20-10. Addressing the House -- recognition. (1) When a member desires to speak to or address any matter to the House, the member should rise and respectfully address the Speaker or the presiding officer.

(2) The Speaker or presiding officer may ask, "For what purpose does the member rise?" or "For what purpose does the member seek recognition?" and may then decide if recognition is to be granted. There is no appeal from the Speaker's or presiding officer's decision.

H20-20. Questions of order and privilege -- appeal -- restrictions. (1) The Speaker shall decide all questions of order and privilege, subject to an appeal by any representative seconded by two representatives. The question on appeal is, "Shall the decision of the chairman be sustained?".

(2) Responses to parliamentary inquiries and decisions of recognition may not be appealed.

(3) Questions of order and privilege, in order of precedence, are:

(a) those affecting the collective rights, safety, dignity, and integrity of the House; and

(b) those affecting the rights, reputation, and conduct of individual representatives.

(4) A member may not address the House on a question of privilege between the time:

(a) an undebatable motion is offered and the vote is taken on the motion;

(b) the previous question is ordered and the vote is taken on the proposition included under the previous question; or

(c) a motion to lay on the table is offered and the vote is taken on the motion.

H20-30. Limits on lobbying. Lobbying on the House floor and in the anteroom is prohibited during a daily session, 2 hours before the session, and 2 hours after the session.

H20-40. Admittance to the House floor. (1) The following persons may be admitted to the House floor during a daily session: present and former legislators; legislative employees necessary for the conduct of the session; ~~accredited news staff~~ registered media representatives; and members' spouses and children. The Speaker may allow exceptions to this rule.

(2) Only a member may sit in a member's chair when the House is in session.

H20-50. Dilatory motions or questions -- appeal. The House has a right to protect itself from dilatory motions or questions used for the purpose of delaying or obstructing business. The presiding officer shall decide if motions (except a call of the House) or questions are dilatory. This decision may be appealed to the House.

H20-60. Lobbying by employees -- sanctions. (1) A legislative employee, intern, or aide of either house

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 nondebatabile.

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 AT LEAST 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 OR WHEN EXCUSED BY THE PRESIDING OFFICER OF THE COMMITTEE DUE TO ILLNESS OR AN EMERGENCY.

1 Authorization for absentee or proxy voting must be reflected in the committee minutes.

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

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

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

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

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

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

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

14 (b) to offer motions;

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

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

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

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

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

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

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

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

29 (2) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a
30 reasonable opportunity to do so, orally or in writing. Written testimony may not be required of any witness, but

1 all witnesses must be encouraged to submit a statement in writing for the committee's official record.

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

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

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

10 CHAPTER 4

11 Legislation

12 **H40-10. Introduction deadlines.** If a representative accepts drafted legislation from the Legislative
13 Services Division after the deadline for preintroduction, the representative may not introduce that legislation after
14 2 legislative days from the time the bill was accepted from the Legislative Services Division.

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

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

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

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

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

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

1 be reserved for preintroduced legislation, in each session of the Legislature, the proposed legislation must be
2 numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed
3 legislation constitutes introduction.

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

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

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

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

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

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

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

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

30 (2) Legislation that is in the possession of the House and that has been reported from a committee with

1 a do pass or be concurred in recommendation may be rereferred to a House committee by a majority vote.

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

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

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

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

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

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

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

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

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

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

29 (3) Legislation must be posted immediately (as soon as it is received appropriately printed) on the
30 consent calendar and must remain there for 1 legislative day before consideration under Order of Business No.

1 11, special orders of the day. At that time, the presiding officer shall announce consideration of the consent
2 calendar and allow "reasonable time" for questions and answers upon request. No debate is allowed.

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

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

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

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

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

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

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

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

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

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

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

1 have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in" fails in the Committee
2 of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be concurred in", is considered to
3 have passed.

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

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

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

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

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

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

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

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

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

30 (a) amend recommend passage or nonpassage;

- 1 (b) recommend ~~passage or nonpassage~~ concurrency or nonconcurrency (Senate amendments to House
 2 legislation);
- 3 (c) ~~recommend concurrency or nonconcurrency~~ amend;
- 4 (d) reconsider as provided in H50-170;
- 5 (e) pass consideration;
- 6 (f) call for cloture;
- 7 (g) change the order in which legislation is placed on the agenda; and
- 8 ~~(g)(h) rise, rise and report, or rise and report progress and beg leave to sit again; and~~
- 9 ~~_____ (h) to change the order in which legislation is placed on the agenda.~~
- 10 (2) Subsections (1)(d) through ~~(1)(g)~~ (1)(f) and (1)(h) are nondebatable but may be amended. Once a
 11 motion under subsection (1)(a) or (1)(b) ~~or (1)(e)~~ is made, a contrary motion is not in order.
- 12 (3) The motions listed in subsection (1) may be made in descending order as listed.
- 13 ~~(3)(4)~~ If a quorum of representatives is not present during second reading, the Committee of the Whole
 14 may not conduct business on legislation and a motion for a call of the House without a quorum is in order.
- 15 **H40-170. Limits on debate in the Committee of the Whole.** (1) Except as provided in H40-180, a
 16 representative may not speak more than once on the motion and may speak for no more than 5 minutes. The
 17 representative who makes the motion may speak a second time for 5 minutes in order to close.
- 18 (2) After at least two proponents and two opponents have spoken on a question and 30 minutes have
 19 elapsed, a motion to call for cloture is in order. Approval by not less than two-thirds of the members present and
 20 voting is required to sustain a motion for cloture. Notwithstanding the passage of a motion to end debate, the
 21 sponsor of the motion on which debate was ended may close.
- 22 (3) By previous agreement of the majority leader and the minority leader:
- 23 (a) a lead proponent and a lead opponent may be granted additional time to speak on a bill;
- 24 (b) a bill or resolution may be allocated a predetermined amount of time for debate and number of
 25 speakers.
- 26 **H40-180. Special provisions for debate on the general appropriations bill -- sections --**
 27 **amendments.** (1) The Appropriations Committee chairman, in presenting the bill, is not subject to the 5-minute
 28 speaking limitation.
- 29 (2) Each appropriations subcommittee chairman shall fully present the chairman's portion of the bill. A
 30 subcommittee chairman is not subject to the 5-minute speaking limitation.

1 (3) After the presentation by the subcommittee chairman, the respective section of the bill is open for
2 debate, questions, and amendments. A proposed amendment to the general appropriations act may not be
3 divided.

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

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

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

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

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

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

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

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

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

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

29 **H40-220. Senate amendments to House legislation.** (1) When the Senate has properly returned House
30 legislation with Senate amendments, the House shall announce the amendments on Order of Business No. 4,

1 and the Speaker shall place them on second reading for debate. The Speaker may rerefer House legislation with
2 Senate amendments to a committee for a hearing if the Senate amendments constitute a significant change in
3 the House legislation. The second reading vote is limited to consideration of the Senate amendments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 CHAPTER 5

16 Floor Actions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (1) communications and petitions;

25 (2) reports of standing committees;

26 (3) reports of select committees;

27 (4) messages from the Senate;

28 (5) messages from the Governor;

29 (6) first reading and commitment of bills;

30 (7) second reading of bills;

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

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

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

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

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

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

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

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

20 (2) The following motions are nondebatable:

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

22 (b) for a call of the House;

23 (c) to recess or rise;

24 (d) for parliamentary inquiry;

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

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

27 (g) to amend a nondebatable motion;

28 (h) to divide a question;

29 (i) to suspend the rules;

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

- 1 (k) to appeal a call to order;
2 (l) to question the lack of a quorum pursuant to H50-20; and
3 (m) to change a vote pursuant to H50-210.

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

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

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

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

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

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

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

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

16 (d) for a question of privilege;

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

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

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

20 (h) to refer to a committee; and

21 (i) to propose amendments.

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

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

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

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

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

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

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

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

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

13 **100 House Members**

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

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

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

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

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

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

26 **Members Present and Voting**

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

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

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

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

12 ~~Members Voting~~

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

23 **Entire Legislature**

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

26 **H50-170. Reconsideration -- time restriction.** (1) Any representative may, within 1 legislative day of
 27 a vote, move to reconsider the House vote on any matter still within the control of the House.

28 (2) A motion for reconsideration, unless tabled or replaced by a substitute motion, must be disposed of
 29 when made.

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

1 may not be renewed or reconsidered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 **H50-220. Absentee votes -- restrictions.** (1) An excused representative may file an absentee vote
3 authorization form to vote during the excused absence on any vote for which absentee voting is allowed.

4 (2) An excused representative shall sign an absentee vote authorization form that specifies the motion
5 and the desired vote.

6 (3) The absentee vote authorization form must be handed in at the rostrum by the party whip or
7 designated representative before voting on the motion has commenced.

8 (4) The absentee vote authorization may be revoked before the vote by the member who signed the
9 authorization.

10 (5) Absentee voting is not allowed on third reading or on motions specified as present and voting
11 pursuant to H50-70.

12 **H50-230. Recess.** The House may stand at ease or recess under any order of business by order of the
13 Speaker or a majority vote. The recess may be ended at the call of the chair or at a time specified.

14 **H50-240. Adjournment for a legislative day.** (1) A representative may move that the House adjourn
15 for that legislative day. The motion is nondebatable and may be made under any order of business except Order
16 of Business No. 7.

17 (2) A motion to adjourn for a legislative day must specify a date and time for the House to convene on
18 the subsequent legislative day.

19 **H50-250. Adjournment sine die.** ~~A~~ Subject to Article V, section 10(5), of the Montana Constitution, a
20 representative may move that the House adjourn for the session. The motion is nondebatable and may be made
21 under any order of business except Order of Business No. 7.

22 CHAPTER 6

23 Motions

24 **H60-10. Proposal for consideration.** (1) Every question presented to the House or a committee must
25 be submitted as a definite proposition.

26 (2) A representative has the right to understand any question before the House and, under the authority
27 of the presiding officer, may ask questions to exercise this right.

28 **H60-20. Nondebatable motions.** The following motions, in addition to any other motion specifically
29 designated, must be decided without debate:

30 (1) to adjourn;

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

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

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

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

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

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

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

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

1 ~~(2)~~(3) The vote by which a motion to adjourn or recess is carried or fails is not subject to a motion to
2 reconsider.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (5) changing a vote, "Mister Speaker, I would like my vote changed on House Bill ___/Senate Bill ____

1 from (yes/no) to (yes/no). The question on the bill was () with a vote tally of ____ for and ____ against."

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

4 CHAPTER 7

5 Rules

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

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

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

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

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

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

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

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

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

26 Appendix

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

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

1 **Appropriations:** Appropriations for the Legislature, general government, and bonding, including
2 supplemental appropriations and the coal severance tax.

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

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

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

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

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

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

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

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

1 **Local Government:** Cities; consolidated governments; counties; libraries and parks owned or operated
2 by local governments; local development; local government finance and revenue; local government officers and
3 employees, local planning; special districts and other political subdivisions, except school districts; towns; and
4 zoning.

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

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

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

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

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

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

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

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

30 (4) If a committee chair upon consultation with the vice chair determines that the committee cannot

1 effectively process all bills assigned to the committee because of time limitations, the chair shall, in writing,
2 request the Speaker to reassign specific bills. The Speaker shall reassign the bills to an appropriate committee.
3 The reassignments must be announced to the House. The reassignments do not require action or approval by
4 the House, but may be overturned by a three-fifths vote.

5 - END -