

1 HOUSE RESOLUTION NO. 1
 2 INTRODUCED BY C. KNUDSEN
 3 BY REQUEST OF THE (H) RULES
 4
 5 A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING THE
 6 HOUSE RULES.

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 9 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF
 10 MONTANA:

11 That the following House Rules be adopted:

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

16 **H10-10. House officers -- definitions.** (1) House officers include a Speaker, a Speaker pro tempore,
 17 majority and minority leaders, and majority and minority whips.

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

21 (3) (a) "Majority leader" means the leader of the majority party, elected by the caucus.

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

23 (c) "Minority leader" means the leader of the minority party, elected by the caucus.

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

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

28 **H10-20. Speaker's duties.** (1) The Speaker is the presiding officer of the House, with authority for

1 prepared by staff and placed on a representative's desk at the request of the representative.

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

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

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

10 (4) If a member is called to order, the matter may be referred to the Rules Committee by the minority or
11 majority leader. The Committee may recommend to the House that the member be censured or be subject to
12 other action. Censure consists of an official public reprimand of a member for inappropriate behavior. The
13 House shall act upon the recommendation of the Committee.

14 **CHAPTER 3**

15 **Committees**

16 **H30-05. Interim committee appointments.** (1) The Speaker shall, with the approval of the House by a
17 majority vote, appoint the membership of interim committees no later than 10 legislative days before the
18 scheduled 90th legislative day or 3 legislative days prior to adjournment sine die if before the 90th legislative
19 day.

20 (2) A change by the Speaker of an interim committee appointment or the filling of a vacancy may be
21 approved by the House by a majority vote.

22 (3) (a) As provided in subsection (3)(b), the House may change the membership of any interim
23 committee by a ~~three-fifths majority~~ vote of the members present and voting ~~on 3 legislative days' notice~~.

24 (b) A member under Order of Business No. 9 may move that specified changes be made to the
25 membership of any interim committee, ~~with the vote 3 legislative days from the day the motion was made~~.

26 **H30-10. House standing committees -- appointments -- classification.** (1) (a) (i) The Speaker shall
27 determine the total number of members and after good faith consultation with the minority leader shall, with the
28 approval of the House by a majority vote, appoint the chairs, vice chairs, and members to the standing

1 committees.

2 (ii) A change by the Speaker of a standing committee appointment or the filling of a vacancy may be
3 approved by the House by a majority vote.

4 (b) The minority leader shall designate a minority vice chair for each standing committee.

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

6 (a) class one committees:

7 (i) Appropriations;

8 (ii) Business and Labor;

9 (iii) Human Services;

10 (iv) Judiciary;

11 (v) State Administration; and

12 (vi) Taxation;

13 (b) class two committees:

14 (i) Education;

15 (ii) Energy, Technology, and Federal Relations;

16 (iii) Natural Resources; and

17 (iv) Transportation;

18 (c) class three committees:

19 (i) Agriculture;

20 (ii) Fish, Wildlife, and Parks; and

21 (iii) Local Government; and

22 (d) on call committees:

23 (i) Ethics;

24 (ii) Rules; and

25 (iii) Legislative Administration.

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

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

5 (5) There will be six subcommittees of the Committee on Appropriations, Education, General
6 Government, Health and Human Services, Natural Resources and Transportation, Judicial Branch, Law
7 Enforcement, and Justice, and Long-Range Planning. Each member serving on the Appropriations Committee
8 must be appointed to at least one of the subcommittees.

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

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

14 (b) If a bill is heard in a select committee, it must be referred to a standing committee. The select
15 committee shall report findings to the standing committee. The standing committee is not required to hold an
16 additional hearing but shall take executive action and may report the bill to the committee of the whole.

17 (c) A change by the Speaker of select committee appointment or the filling of a vacancy may be
18 approved by the House by a majority vote.

19 (8) (a) The Speaker shall appoint all conference, select, and special committees with the advice of the
20 majority leader and minority leader and with the approval of the House by a majority vote.

21 (b) A change by the Speaker of a conference, select, or special committee appointment or the filling of
22 a vacancy may be approved by the House by a majority vote.

23 (9) (a) (i) Except as provided in subsection (9)(b), the House may change the membership of any
24 committee by a ~~three-fifths majority~~ vote of the members present and voting ~~on 3 legislative days' notice as~~
25 ~~provided in subsection (9)(a)(ii).~~

26 (ii) A member under Order of Business No. 9 may move that specified changes be made to the
27 membership of any committee, ~~with the vote 3 legislative days from the day the motion was made.~~

28 (b) (i) The House may change the membership of a conference committee by a ~~three-fifths majority~~

1 vote of the members present and voting ~~on 2 legislative days' notice as provided in subsection (9)(b)(ii).~~

2 (ii) A member under Order of Business No. 9 may move that specified changes be made to the
3 membership of any committee, ~~with the vote 2 legislative days from the day the motion was made.~~

4 (10) (a) Except as provided for in subsection (10)(b), a standing, conference, select, or special
5 committee may not report a bill or action out of the committee prior to the approval of the committee
6 membership by the House in accordance with this section.

7 (b) The House Appropriations standing committee may report a bill or action out of committee prior to
8 the approval of the committee membership by the House in accordance with this section.

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

11 (a) preside over meetings of the committee and to put all questions;

12 (b) except as provided in H30-40(3)(b) and H30-50(3)(b), schedule all bills assigned to committee for a
13 hearing prior to 3 legislative days before the applicable transmittal deadline for the bill as provided in Joint Rule
14 40-200;

15 (c) maintain order and decide all questions of order subject to appeal to the committee;

16 (d) supervise and direct staff of the committee;

17 (e) have the committee secretary keep the official record of the minutes;

18 (f) sign reports of the committee and submit them promptly to the Chief Clerk;

19 (g) appoint subcommittees to perform on a formal or an informal basis as provided in subsection (2);

20 and

21 (h) inform the Speaker of committee activity.

22 (2) With the exception of the House Appropriations subcommittees, a subcommittee of a standing
23 committee may be appointed by the chairman of the committee. The chairman of the standing committee shall
24 appoint the chairman of the subcommittee.

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

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

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

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

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

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

19 **H40-70. Referral.** (1) The Speaker shall refer to a House committee, joint select committee, or joint
20 special committee all properly introduced House legislation and transmitted Senate legislation in conformity with
21 the House Rules Appendix and within 2 legislative days of introduction or transmission.

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

24 **H40-80. Rereferral -- Appropriations Committee rereferral -- normal progression.** (1) Legislation
25 that is in the possession of the House and that has not had a House hearing in the currently assigned House
26 committee may be rereferred to a House committee in accordance with the House Rules Appendix, by House
27 motion approved by a majority of the members present and voting.

28 (2) (a) With the consent of the majority leader, the minority leader, and the bill sponsor, legislation that

1 has passed second reading in the Committee of the Whole and that has been rereferred to the Appropriations
2 Committee and is reported from committee without amendments may be placed on third reading.

3 (b) Prior to being placed on third reading, legislation rereferred must be sent to be processed and
4 reproduced as a third reading version and specifically marked as having been passed on second reading and
5 rereferred to the House Appropriations Committee and reported from the committee without amendments.

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

9 (b) A motion to remove legislation from its normal progress through the House as provided in
10 subsection (3)(a) by House motion must be approved by ~~not less than three-fifths~~ no fewer than 51 of the
11 members present and voting.

12 **H40-90. Legislation withdrawn from committee.** Legislation may be withdrawn from a House
13 committee after a committee hearing on the legislation by House motion approved by ~~not less than three-fifths~~
14 no fewer than 51 of the members present and voting.

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

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

18 (2) A recommendation of "do not pass" or "be not concurred in" must be announced across the rostrum
19 and, on the following legislative day, may be debated and adopted or rejected on Order of Business No. 2. A
20 motion to reject an adverse committee report must be approved by a majority of the members voting. Failure to
21 adopt a motion to reject an adverse committee report constitutes adoption of the report.

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

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

27 (a) To be eligible for the consent calendar, the legislation must receive a unanimous vote by the
28 members of the standing committee in attendance (do pass, do pass as amended). In addition, a motion must

1 (i) to propose amendments.

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

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

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

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

9 **H50-140. Dividing a question.** Except as provided in H40-180(3), a representative may request to
10 divide a question as a matter of right if it includes two or more propositions so distinct that they can be
11 separated and if at least one substantive question remains after one substantive question is removed. The
12 request is nondebatable under H50-90. The presiding officer may rule that a question is nondivisible. The ruling
13 of the chair may be appealed as provided in H50-160(~~11~~) or (~~13~~)(9) or (11) and H70-50. For an appeal of a
14 ruling of the presiding officer, the question for the house must be stated as, "Shall the ruling of the chair be
15 upheld?"

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

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

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

24 **100 House Members**

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

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

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

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

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

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

9 **Members Present and Voting**

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

12 (2) a motion to lift a call of the House pursuant to H50-30(3) (two-thirds);

13 ~~(3) a motion to withdraw a bill from a committee after a committee hearing on the bill pursuant to H40-~~
14 ~~90 approved by not less than three fifths of the members;~~

15 ~~(4) a motion to remove legislation from its normal progress through the House as provided under H40-~~
16 ~~80(3) and reassign it unless otherwise specifically provided by these rules (three-fifths);~~

17 ~~(5)(3)~~ a motion to change a vote pursuant to H50-210 (unanimous);

18 ~~(6)(4)~~ a motion to call for cloture pursuant to H40-170(2) (two-thirds);

19 ~~(7)(5)~~ a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of
20 the Montana Constitution (two-thirds);

21 ~~(8)(6)~~ a motion to amend rules pursuant to H70-10(2) or suspend rules pursuant to H70-30 (two-thirds);

22 ~~(9)(7)~~ a motion to record a vote pursuant to H50-200(2) (one representative);

23 ~~(10)(8)~~ a motion to record a vote in the journal (two representatives);

24 ~~(11)(9)~~ an appeal of the ruling of the presiding officer pursuant to H20-20(1) or H20-80(2) (three
25 representatives);

26 ~~(12)(10)~~ a motion to speak more than once on a debatable motion pursuant to H50-80(1) (unanimous
27 vote);

28 ~~(13) a motion by the House to change the membership of a committee pursuant to H30-05(3) and H30-~~

1 ~~10(9) approved by three-fifths of the members;~~

2 ~~(14)(11)~~ a motion to appeal the presiding officer's interpretation of the rules to the House Rules

3 Committee pursuant to H70-50 (15 representatives).

4 **Entire Legislature**

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

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

9 (2) A motion to reconsider is a debatable motion, but the debate is limited to the motion. The debate on
10 a motion to reconsider is limited to two proponents and two opponents to the motion and the debate may not
11 address the substance of the matter for which reconsideration is sought. However, an inquiry may be made
12 concerning the purpose of the motion to reconsider.

13 (3) A motion for reconsideration, unless tabled or replaced by a substitute motion, must be disposed of
14 when made.

15 (4) When a motion for reconsideration fails, the question is finally settled. A motion for reconsideration
16 may not be renewed or reconsidered.

17 (5) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the
18 same rules.

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

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

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

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

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