

**Amendment - 2nd Reading-yellow - Requested by: Steven Galloway - (H) Committee of the Whole**

68th Legislature

Drafter: Todd Everts, 406-444-4023

HR0001.002.001

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.

7  
8  
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

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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

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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 55 ~~not less~~  
11 than three-fifths of the 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 55 ~~not less than three-fifths~~ 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

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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) and H70-50. For an appeal of a ruling of the  
14 presiding officer, the question for the house must be stated as, "Shall the ruling of the chair be upheld?".

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

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

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

23 **100 House Members**

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

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

28 (3) a motion to approve a bill to appropriate highway revenue, as described in Article VIII, section 6, of

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- 1 the Montana Constitution, for purposes other than therein described (three-fifths);
- 2 (4) a motion to approve a bill to authorize creation of state debt pursuant to Article VIII, section 8, of the
- 3 Montana Constitution (two-thirds);
- 4 (5) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article
- 5 IX, section 6, of the Montana Constitution (three-fourths);
- 6 (6) a motion to temporarily suspend a joint rule governing the procedure for handling bills pursuant to
- 7 Joint Rule 60-10(2) (two-thirds).

8 **Members Present and Voting**

- 9 (1) a motion to override the Governor's veto pursuant to H40-260 and Article VI, section 10(3), of the
- 10 Montana Constitution (two-thirds);
- 11 (2) a motion to lift a call of the House pursuant to H50-30(3) (two-thirds);
- 12 (3) a motion to withdraw a bill from a committee after a committee hearing on the bill pursuant to H40-
- 13 90 approved by ~~not less than three-fifths~~ NO FEWER THAN 55 - not less than three-fifths of the members;
- 14 (4) a motion to remove legislation from its normal progress through the House as provided under H40-
- 15 80(3) and reassign it unless otherwise specifically provided by these rules (three-fifths);
- 16 (5) a motion to change a vote pursuant to H50-210 (unanimous);
- 17 (6) a motion to call for cloture pursuant to H40-170(2) (two-thirds);
- 18 (7) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the
- 19 Montana Constitution (two-thirds);
- 20 (8) a motion to amend rules pursuant to H70-10(2) or suspend rules pursuant to H70-30 (two-thirds);
- 21 (9) a motion to record a vote pursuant to H50-200(2) (one representative);
- 22 (10) a motion to record a vote in the journal (two representatives);
- 23 (11) an appeal of the ruling of the presiding officer pursuant to H20-20(1) or H20-80(2) (three
- 24 representatives);
- 25 (12) a motion to speak more than once on a debatable motion pursuant to H50-80(1) (unanimous vote);
- 26 (13) a motion by the House to change the membership of a committee pursuant to H30-05(3) and H30-
- 27 10(9) approved by three-fifths of the members;
- 28 (14) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee

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1 pursuant to H70-50 (15 representatives).

2 **Entire Legislature**

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

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

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

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

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

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

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

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

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

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

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

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