

Amendment - 2nd Reading-yellow - Requested by: Edward Buttrey - (H) Committee of the Whole

68th Legislature

Drafter: Todd Everts, 406-444-4023

HR0001.002.003

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 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 vote~~ House motion approved by no fewer than 55 of the members present and
24 voting ~~on 3 legislative days' notice~~.

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

27 **H30-10. House standing committees -- appointments -- classification.** (1) (a) (i) The Speaker shall
28 determine the total number of members and after good faith consultation with the minority leader shall, with the

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1 approval of the House by a majority vote, appoint the chairs, vice chairs, and members to the standing
2 committees.

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

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

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

7 (a) class one committees:

8 (i) Appropriations;

9 (ii) Business and Labor;

10 (iii) Human Services;

11 (iv) Judiciary;

12 (v) State Administration; and

13 (vi) Taxation;

14 (b) class two committees:

15 (i) Education;

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

17 (iii) Natural Resources; and

18 (iv) Transportation;

19 (c) class three committees:

20 (i) Agriculture;

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

22 (iii) Local Government; and

23 (d) on call committees:

24 (i) Ethics;

25 (ii) Rules; and

26 (iii) Legislative Administration.

27 (3) A class 1 committee is scheduled to meet Monday through Friday. A class 2 committee is

28 scheduled to meet Monday, Wednesday, and Friday. A class 3 committee is scheduled to meet Tuesday and

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1 Thursday. Unless a class is prescribed for a committee, it meets upon the call of the chair.

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

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

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

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

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

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

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

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

24 (9) (a) (i) Except as provided in subsection (9)(b), the House may change the membership of any
25 committee by ~~a three-fifths vote~~ House motion approved by no fewer than 55 of the members present and
26 voting ~~on 3 legislative days' notice as provided in subsection (9)(a)(ii).~~

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

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1 (b) (i) The House may change the membership of a conference committee by ~~a three-fifths vote House~~
2 ~~motion approved by no fewer than 55~~ of the members present and voting ~~on 2 legislative days' notice as~~
3 ~~provided in subsection (9)(b)(ii).~~

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

6 (10) (A) EXCEPT AS PROVIDED FOR IN SUBSECTION (10)(B), A STANDING, CONFERENCE, SELECT, OR SPECIAL
7 COMMITTEE MAY NOT REPORT A BILL OR ACTION OUT OF THE COMMITTEE PRIOR TO THE APPROVAL OF THE COMMITTEE
8 MEMBERSHIP BY THE HOUSE IN ACCORDANCE WITH THIS SECTION.

9 (B) THE HOUSE APPROPRIATIONS STANDING COMMITTEE MAY REPORT A BILL OR ACTION OUT OF COMMITTEE
10 PRIOR TO THE APPROVAL OF THE COMMITTEE MEMBERSHIP BY THE HOUSE IN ACCORDANCE WITH THIS SECTION.

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) except as provided in H30-40(3)(b) and H30-50(3)(b), schedule all bills assigned to committee for a
15 hearing prior to 3 legislative days before the applicable transmittal deadline for the bill as provided in Joint Rule
16 40-200;

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

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

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

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

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

22 and

23 (h) inform the Speaker of committee activity.

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

27 **H30-30. Quorum -- officers as members.** (1) A quorum of a committee is a majority of the members
28 of the committee. A quorum of a committee must be present at a meeting to act officially. A quorum of a

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

2 (h) to refer to a committee; and

3 (i) to propose amendments.

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

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

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

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

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

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

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

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

25 **100 House Members**

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

28 (2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund pursuant

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

10 **Members Present and Voting**

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

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1 10(9) approved by ~~three-fifths of the~~ no fewer than 55 of the members;

2 (14) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee
3 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.