<table>
<thead>
<tr>
<th>CHAPTER 40 — Legislation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>40-10. Amendment to state constitution</td>
<td>10</td>
</tr>
<tr>
<td>40-20. Appropriation bills — introduction in House — feed bill</td>
<td>10</td>
</tr>
<tr>
<td>40-30. Effective dates</td>
<td>10</td>
</tr>
<tr>
<td>40-40. Bill requests and introduction — limits and procedures — drafting priority — agency and committee bills</td>
<td>10</td>
</tr>
<tr>
<td>40-50. Schedules for drafting requests and bill introduction</td>
<td>11</td>
</tr>
<tr>
<td>40-60. Joint resolutions</td>
<td>12</td>
</tr>
<tr>
<td>40-65. Appropriation required for bills requesting interim studies</td>
<td>12</td>
</tr>
<tr>
<td>40-70. Bills with same purpose — vetoes</td>
<td>12</td>
</tr>
<tr>
<td>40-80. Reproduction of full statute required</td>
<td>12</td>
</tr>
<tr>
<td>40-90. Bills — original purpose</td>
<td>12</td>
</tr>
<tr>
<td>40-100. Fiscal notes</td>
<td>13</td>
</tr>
<tr>
<td>40-110. Sponsor’s fiscal note rebuttal</td>
<td>13</td>
</tr>
<tr>
<td>40-120. Substitute bills</td>
<td>14</td>
</tr>
<tr>
<td>40-130. Reading of bills</td>
<td>14</td>
</tr>
<tr>
<td>40-140. Second reading — bill reproduction</td>
<td>14</td>
</tr>
<tr>
<td>40-150. Engrossing</td>
<td>14</td>
</tr>
<tr>
<td>40-160. Enrolling</td>
<td>15</td>
</tr>
<tr>
<td>40-170. Amendment by second house</td>
<td>15</td>
</tr>
<tr>
<td>40-180. Final action on a bill</td>
<td>15</td>
</tr>
<tr>
<td>40-190. Transmittal of bills between houses — referral — hearing</td>
<td>16</td>
</tr>
<tr>
<td>40-200. Transmittal deadlines — two-thirds vote requirement</td>
<td>16</td>
</tr>
<tr>
<td>40-210. Governor’s veto</td>
<td>16</td>
</tr>
<tr>
<td>40-220. Response to Governor’s veto</td>
<td>17</td>
</tr>
<tr>
<td>40-230. Governor’s recommendations for amendment — procedure</td>
<td>17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHAPTER 60 — Rules</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>60-10. Suspension of joint rule — change in rules</td>
<td>18</td>
</tr>
<tr>
<td>60-20. Reference to Mason’s Manual</td>
<td>18</td>
</tr>
<tr>
<td>60-30. Publication and distribution of joint rules</td>
<td>18</td>
</tr>
<tr>
<td>60-40. Tenure of joint rules</td>
<td>18</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

## Senate Rules

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Administration</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>S10-10. Officers of the Senate</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>S10-20. Term of office</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>S10-30. President, President pro tempore, and other officers</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>S10-40. Voting by presiding officer</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>S10-50. Presiding officer and duties</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>S10-60. Succession</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>S10-70. President-elect</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>S10-80. Legislative Administration Committee duties</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>S10-90. Majority Leader</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>S10-100. Majority Whip</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>S10-110. Minority Leader</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>S10-120. Minority Whip</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>S10-130. Senate employees</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>S10-140. Secretary of the Senate and duties</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>S10-150. Sergeant-at-Arms duties</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>S10-160. Legislative aides</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>S10-170. Senate journal</td>
<td>22</td>
</tr>
<tr>
<td>2</td>
<td>Decorum</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>S20-10. Questions of order — appeal</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>S20-20. Violation of rules — call to order — appeal</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>S20-30. Questions of privilege — restrictions</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>S20-40. Recognition by chair</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>S20-50. Floor privileges</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>S20-60. Communications to Senate</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>S20-70. Distribution of materials on floor — exception</td>
<td>25</td>
</tr>
<tr>
<td>3</td>
<td>Committees</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>S30-10. Committee appointments</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>S30-20. Standing committees — classification</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>S30-40. Ex officio members — quorum</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>S30-50. Chair’s duties</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>S30-60. Meetings — notice — purpose — minutes</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>S30-70. Procedures — member privileges</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>S30-80. Public testimony — decorum — time restrictions</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>S30-100. Pairs prohibited — absentee or proxy voting</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>S30-140. Reconsideration in committee</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>S30-150. Committee requested legislation</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>S30-160. Ethics Committee</td>
<td>30</td>
</tr>
<tr>
<td>4</td>
<td>Legislation</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>S40-10. Types of legislation</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>S40-20. Introduction — first reading</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>S40-30. Additional sponsors</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>S40-40. Reading limitations</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>S40-60. Scheduling for second reading</td>
<td>31</td>
</tr>
<tr>
<td>5</td>
<td>Floor Action</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>S50-10. Attendance — mandatory voting — quorum</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>S50-20. Orders of business</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>S50-30. Limitations on debate</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>S50-40. Procedure upon offering a motion</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>S50-50. Precedence of motions</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>S50-60. Nondebatable motions</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>S50-70. Amending motions — restrictions</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>S50-80. Previous question</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>S50-90. Reconsideration — time restrictions</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>S50-100. Dividing a question — segregation excluded</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>S50-110. Rules for questions or bills requiring other than a majority vote</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>S50-120. Committee reports to Senate — reconsideration</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>S50-130. Conference committee — reports</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>S50-140. Committee of the Whole report — segregation — rejection</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>S50-150. Committee of the Whole amendments</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>S50-160. Motions in Committee of the Whole</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>S50-170. Committee of the Whole — generally</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>S50-180. Voting on second reading — positive disposition of motions</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>S50-190. Third reading procedure</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>S50-200. Senate voting — changing a vote — objection</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>S50-210. Pairs — Committee of the Whole</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>S50-220. Call of the Senate</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>S50-230. House amendments to Senate legislation</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>S50-240. Governor’s amendments</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>S50-250. Governor’s veto</td>
<td>38</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

CHAPTER 6 — Rules
S60-10. Senate rules — amendment — adoption — suspension ........................................... 39
Mason’s Manual of Legislative Procedure ................................................................. 39

CHAPTER 7 — Nominations from the Governor
S70-10. Nominations .......................................................... 40
S70-20. Introduction and first reading of nominations .............................................. 40
S70-30. Committee process — preliminary reports — separate consideration ............. 40

Appendix A ........................................................................ 41

### House Rules

CHAPTER 1 — Administration
H10-10. House officers — definitions .............................................................. 43
H10-20. Speaker’s duties ........................................................................ 43
H10-30. Speaker elect ........................................................................ 43
H10-40. Speaker pro tempore duties ............................................................. 43
H10-50. Majority Leader ........................................................................ 43
H10-60. Majority Whip ........................................................................ 44
H10-70. Minority Leader ........................................................................ 44
H10-80. Minority Whip ........................................................................ 44
H10-90. Employees ................................................................................ 44
H10-100. Chief Clerk’s duties ................................................................. 44
H10-110. Duties of Sergeant-at-Arms ......................................................... 44
H10-120. Legislative aides .................................................................. 45
H10-130. Legislative interns ................................................................. 45
H10-140. House journal ....................................................................... 46
H10-150. Votes recorded and public ........................................................... 46
H10-160. Duration of legislative day ........................................................... 46

CHAPTER 2 — Decorum
H20-10. Addressing the House — recognition ................................................... 47
H20-20. Questions of order and privilege — appeal — restrictions ................. 47
H20-30. Limits on lobbying ...................................................................... 47
H20-40. Admittance to the House floor ......................................................... 47
H20-50. Dilatory motions or questions — appeal .......................................... 47
H20-60. Lobbying by employees — sanctions ................................................. 47
H20-70. Papers distributed on desks — exception .......................................... 47
H20-80. Violation of rules — procedure — appeal .......................................... 47

CHAPTER 3 — Committees
H30-10. House standing committees — appointments — classification .......... 49
H30-20. Chairman’s duties ..................................................................... 50
H30-30. Quorum — officers as members ...................................................... 50
H30-40. Meetings — purpose — notice — minutes .......................................... 50
H30-50. Procedure — absentees or proxy voting — member privileges .......... 51
H30-60. Public testimony — decorum — time restrictions ......................... 52

CHAPTER 4 — Legislation
H40-10. Introduction deadlines ................................................................. 53
H40-20. House resolutions ................................................................... 53
H40-30. Cosponsors ............................................................................. 53
H40-40. Introduction — receipt — messages from Senate and elected officials . 53
H40-50. First reading — receipt of Senate legislation ................................... 53
H40-60. One reading per day — exception ................................................ 53
H40-70. Referral ................................................................................ 53
H40-80. Rereferral — Appropriations Committee rereferral — normal progression . 54
H40-90. Legislation withdrawn from committee ........................................... 54
H40-100. Standing committee reports — requirement for rejection of adverse committee report . 54
H40-110. Consent calendar procedure ....................................................... 54
H40-120. Legislation requiring other than a majority vote ............................ 55
H40-130. Amending House second and third reading agendas — vote requirements .... 55
H40-140. Second reading — timing — obverse vote on failed motion — status of amendments — rejection of report — segregation ................................................................. 55
H40-150. Amendments in the Committee of the Whole — timing — official records . 56
H40-160. Motions in the Committee of the Whole — quorum required ............. 56
H40-170. Limits on debate in the Committee of the Whole ................................... 56
H40-180. Special provisions for debate on the general appropriations bill — sections — amendments ................................................................. 57
H40-190. Engrossing ........................................................................... 57
H40-200. Third reading ........................................................................ 57
H40-210. Senate legislation in the House ...................................................... 57
H40-220. Senate amendments to House legislation ....................................... 57
H40-230. Conference committee reports ..................................................... 57
H40-240. Enrolling ............................................................................... 57
H40-250. Governor’s amendments .............................................................. 58
H40-260. Governor’s veto ..................................................................... 58
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 — Floor Actions</td>
<td>H50-10</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>H50-20</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>H50-30</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>H50-40</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>H50-50</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>H50-60</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>H50-70</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>H50-80</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>H50-90</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>H50-100</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>H50-110</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>H50-120</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>H50-130</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>H50-140</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>H50-150</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>H50-160</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>H50-170</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>H50-180</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>H50-190</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>H50-200</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>H50-210</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>H50-220</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>H50-230</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>H50-240</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td>H50-250</td>
<td>64</td>
</tr>
<tr>
<td>6 — Motions</td>
<td>H60-10</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>H60-20</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>H60-30</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>H60-40</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>H60-50</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>H60-60</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>H60-70</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>H60-80</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>H60-100</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>H60-110</td>
<td>66</td>
</tr>
<tr>
<td>7 — Rules</td>
<td>H70-10</td>
<td>67</td>
</tr>
<tr>
<td></td>
<td>H70-20</td>
<td>67</td>
</tr>
<tr>
<td></td>
<td>H70-30</td>
<td>67</td>
</tr>
<tr>
<td></td>
<td>H70-40</td>
<td>67</td>
</tr>
<tr>
<td></td>
<td>H70-50</td>
<td>67</td>
</tr>
<tr>
<td></td>
<td>H70-60</td>
<td>67</td>
</tr>
<tr>
<td>Appendix</td>
<td></td>
<td>68</td>
</tr>
<tr>
<td>Index to Rules</td>
<td></td>
<td>70</td>
</tr>
</tbody>
</table>
CHAPTER 10

Administration

10-10. Time of meeting. Each house may order its time of meeting.

10-20. Legislative day — duration. (1) If either house is in session on a given day, that day constitutes a legislative day.

(2) A legislative day for a house ends either 24 hours after that house convenes for the day or at the time the house convenes for the following legislative day, whichever is earlier.

10-30. Schedules. The presiding officer of each house shall coordinate its schedule to accommodate the workload of the other house.

10-40. Adjournment — recess — meeting place. A house may not, without the consent of the other, adjourn or recess for more than 3 days or to any place other than that in which the two houses are sitting (Montana Constitution, Art. V, Sec. 10(5)). The procedure for obtaining consent is contained in Joint Rule 20-10.

10-50. Access of media — registration — decorum — sanctions. (1) Subject to the presiding officer’s discretion on issues of decorum and order, a registered media representative may not be prohibited from photographing, televising, or recording a legislative meeting or hearing.

(2) The presiding officer shall authorize the issuance of cards to media representatives to allow floor access, and media representatives holding the cards are subject to placement on the floor by the presiding officer. The presiding officer may delegate enforcement of this rule to the office of the Secretary of the Senate, Chief Clerk of the House, the respective Sergeant-at-Arms, or the Legislative Information Officer. The privilege may be revoked or suspended for a violation of decorum and order as agreed to by the media representative upon application for registration.

(3) Registered media representatives may be subject to seating in designated areas. Overflow access will be in the gallery.

10-60. Conflict of interest. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature shall disclose the fact to the house to which the member belongs. (section 2-2-112, MCA)

10-70. Telephone calls and internet access. (1) Long-distance telephone calls made by a member while the Legislature is in session or while the member is in travel status are considered official legislative business. These include but are not limited to calls made to constituencies, places of business, and family members. A member’s access to the internet through a permissible server is a proper use of the state communication system if the use is for legislative business or is within the scope of permissible use of long-distance telephone calls.

(2) Session staff, including aides and interns, may use telephones for long-distance calls only if specifically authorized to do so by their legislative sponsor or supervisor. Sponsoring members and supervisors are accountable for use of state telephones and internet access by their staff, including aides and interns, and may not authorize others to use state phones or state servers to access the internet.

(3) Permanent staff of the Legislature shall comply with executive branch rules applying to the use of state telephones.

10-80. Joint employees. The presiding officers of each house, acting together, shall:

(1) hire joint employees; and

(2) review a dispute or complaint involving the competency or decorum of a joint employee, and dismiss, suspend, or retain the employee.

10-85. Harassment prohibited — reporting. (1) Legislators and legislative employees have the right to work free of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas when performing services in furtherance of legislative responsibilities, whether the offender is an employer, employee, legislator, lobbyist, or member of the public.
(2) A violation of this policy must be reported to the party leader in the appropriate house if the offended party is a legislator or to the presiding officer if the offended party is the party leader. The presiding officer may refer the matter to the rules committee of the applicable house, and the offender is subject to discipline or censure, as appropriate.

(3) If the offended party is an employee of the house of representatives or the senate, the violation must be reported to the employee’s supervisor or, if the offender is the supervisor for the house of representatives or the senate, the report should be made to the chief clerk of the house of representatives or to the secretary of the senate, as appropriate. If the offended party is a permanent legislative employee, the report should be made to the employee’s supervisor or, if the offender is the supervisor, to the appropriate division director. If the offender is a division director, the report should be made to the presiding officer of the appropriate statutory committee.

(4) If the offended party is a supervisor for the house of representatives or the senate, the violation must be reported to the chief clerk of the house of representatives or to the secretary of the senate, as appropriate. If the offended party is a supervisor of permanent legislative employees, the violation must be reported to the appropriate division director. If the offender is a division director, the report should be made to the presiding officer of the appropriate statutory committee.

(5) The chief clerk or the secretary shall report the violation to the presiding officer. The presiding officer may refer the matter to the rules committee. If the offender is an employee or supervisor, the employee or supervisor is subject to discipline or discharge.

10-90. Legislative interns. Qualifications for legislative interns are specified in Title 5, chapter 6, MCA.

10-100. Legislative Services Division. (1) The staff of the Legislative Services Division shall serve both houses as required.

(2) Staff members shall:
(a) maintain personnel files for legislative employees; and
(b) prepare payrolls for certification and signature by the presiding officer and prepare a monthly financial report.

(3) The Legislative Services Division shall train journal clerks for both houses.

10-120. Engrossing and enrolling staff — duties. (1) The Legislative Services Division shall provide all engrossing and enrolling staff.

(2) The duties of the engrossing and enrolling staff are:
(a) to engross or enroll any bill or resolution delivered to them within 48 hours after it has been received, unless further time is granted in writing by the presiding officer of the house in which the bill originated; and
(b) to correct clerical errors, absent the objection of the sponsor of a bill, resolution, or amendment and the Secretary of the Senate or the Chief Clerk of the House of Representatives in any bill or amendment originating in the house by which the Clerk or Secretary is employed. The following kinds of clerical errors may be corrected:
(i) errors in spelling;
(ii) errors in numbering sections;
(iii) additions or deletions of underlining or lines through matter to be stricken;
(iv) material copied incorrectly from the Montana Code Annotated;
(v) errors in outlining or in internal references;
(vi) an error in a title caused by an amendment;
(vii) an error in a catchline caused by an amendment;
(viii) errors in references to the Montana Code Annotated; and
(ix) other nonconformities of an amendment with Bill Drafting Manual form.

(3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the Secretary of the Senate or the Chief Clerk of the House, who shall give notice to the sponsor of the bill or amendment. The form must be filed in the office of the amendments coordinator. A party receiving notice may register an objection to the correction by filing the objection in writing with the Secretary of the Senate or the Chief Clerk of the House by the end of the next legislative day following receipt of the notice. The Senate or House shall vote on whether or not to uphold the objection. If the objection is upheld, the Secretary of the Senate or the Chief Clerk of the House shall notify the Executive Director of the Legislative Services Division, and the engrossing staff shall change the bill to remove the correction or corrections to which the objection was made.

(4) For the purposes of this rule, “engrossing” means placing amendments in a bill.

10-130. Bills — sponsorship — style — format — withdrawal prohibited. (1) A bill must be sponsored by a member of the Legislature.

(2) A bill must be:

(a) printed on paper with numbered lines;
(b) numbered at the foot of each page (except page 1);
(c) backed with a page of substantial material that includes spaces for notations for tracking the progress of the bill; and
(d) introduced. Introduction constitutes the first reading of the bill.

(3) In a section amending an existing statute, matter to be stricken out must be indicated with a line through the words or part to be deleted, and new matter must be underlined.

(4) Sections of the Montana Code Annotated repealed or amended in a bill must be stated in the title.

(5) Introduced bills must be reproduced on white paper and distributed to members.

(6) An introduced bill may not be withdrawn.

10-140. Voting on bills — constitutional amendments. (1) A bill may not become a law except by vote of the constitutionally required majority of all the members present and voting in each house (Montana Constitution, Art. V, Sec. 11(1)). On final passage, the vote must be taken by ayes and noes and the names of those voting entered on the journal (Montana Constitution, Art. V, Sec. 11(2)).

(2) Any vote in one house on a bill proposing an amendment to The Constitution of the State of Montana under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote.

(3) This rule does not prevent a committee from tabling a bill proposing an amendment to The Constitution of the State of Montana.

10-150. Recording and publication of voting. (1) Every vote of each member on each substantive question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made available to the public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the names entered on the journal.

(2) (a) Roll call votes must be taken by ayes and noes and the names entered on the journal on adopting an adverse committee report and on those motions made in Committee of the Whole to:

(i) amend;
(ii) recommend passage or nonpassage;
(iii) recommend concurrence or nonconcurrence; or
(iv) indefinitely postpone.

(b) The text of all proposed amendments in Committee of the Whole must be recorded.
A roll call vote must be taken on nonsubstantive questions on the request of two members who may, on any vote, request that the ayes and noes be spread upon the journal.

Roll call votes and other votes that are to be made public but are not specifically required to be spread upon the journal must be entered in the minutes of the appropriate committee or of the appropriate house (Montana Constitution, Art. V, Sec. 11(2)). A copy of the minutes must be filed with the Montana Historical Society. If electronically recorded minutes are kept for a committee, a written log conforming to section 2-3-212(2), MCA, must also be kept.

10-160. Journal. Each house shall:

1. supply the Legislative Services Division with the contents of the daily journal to be stored on an automated system;
2. examine its journal and order correction of any errors; and
3. make a daily journal available to all members.

10-170. Journals — authentication — availability. (1) The journal of the Senate must be authenticated by the signature of the President and the journal of the House of Representatives must be authenticated by the signature of the Speaker.

(2) The Legislative Services Division shall make the completed journals available to the public (sections 5-11-201 through 5-11-203, MCA).
CHAPTER 20
Relations With Other House

20-10. Consent for adjournment or recess. As required by Article V, section 10(5), of the Montana Constitution, the consent of the other house is required for adjournment or recess for more than 3 calendar days. Consent for adjournment is obtained by having the house wishing to adjourn send a message to the other house and having the receiving house vote favorably on the request. The receiving house shall inform the requesting house of its consent or lack of consent. Consent is not required on or after the 87th legislative day.
CHAPTER 30
Committees

30-10. Joint committee chair — exception. Except as provided in Joint Rule 30-50 concerning the joint meetings of the Senate Finance and Claims Committee and the House Appropriations Committee, the chair of the Senate committee is the chair of all joint committees.

30-20. Voting in joint committees — exception. (1) Except for Rules Committees and conference committees, a member of a joint committee votes individually and not by the house to which the committee member belongs.

(2) Because the Rules Committees and conference committees are joint meetings of separate committees, in those committees the committees from each house vote separately. A majority of each committee shall agree before any action may be taken, unless otherwise specified by individual house rules.

30-30. Conference committees — subject matter restrictions. (1) If either house requests a conference committee and appoints a committee for the purpose of discussing an amendment on which the two houses cannot agree, the other house shall appoint a committee for the same purpose. The time and place of all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in order at any time. Failure to make this announcement does not affect the validity of the legislation being considered. A conference committee meeting must be conducted as an open meeting, and minutes of the meeting must be kept.

(2) A conference committee, having conferred, shall report to the respective houses the result of its conference. A conference committee shall confine itself to consideration of the disputed amendment. The committee may recommend:

(a) acceptance or rejection of each disputed amendment in its entirety; or

(b) further amendment of the disputed amendment.

(3) If either house requests a free conference committee and the other house concurs, appointments must be made in the same manner as provided in subsection (1). A free conference committee may discuss and propose amendments to a bill in its entirety and is not confined to a particular amendment. However, a free conference committee is limited to consideration of amendments that are within the scope of the title of the introduced bill.


30-50. Committee consideration of general appropriation bills. (1) All general appropriation bills must first be considered by a joint subcommittee composed of designated members of the Senate Finance and Claims Committee and the House Appropriations Committee, and then by each committee separately.

(2) Joint meetings of the House Appropriations Committee and the Senate Finance and Claims Committee must be held upon call of the chair of the House Appropriations Committee, who is chair of the joint committee.

(3) The committee chair of the Senate Finance and Claims Committee or of the House Appropriations Committee may be a voting member in the joint subcommittees if:

(a) either house has fewer members on the joint subcommittees;

(b) the chair represents the house with fewer members on the subcommittees; and

(c) the chair is present for the vote at the time that a question is called. A vote may not be held open to facilitate voting by a chair.

30-60. Estimation of revenue. (1) The Revenue and Transportation Interim Committee shall introduce a House joint resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature. (5-5-227, MCA)
(2) For the 2013 legislative session only, in the event that the Revenue and Transportation Interim Committee has not caused a revenue estimating resolution to be introduced in accordance with 5-5-227, MCA, a Senate joint resolution must be introduced by the chair of the Senate Taxation Committee for the purpose of estimating revenue that may be available for appropriation by the Legislature.

(3) The Senate shall transmit the Senate joint resolution on the revenue estimate to the House no later than the 15th legislative day. The Senate joint resolution does not constitute the Legislature’s revenue estimate until adopted and passed by the House with any House amendments concurred in by the Senate.

30-70. Appointment of interim committees. As provided for in section 5-5-211(6), MCA, 50% of interim committees must be selected from the following legislative standing committees:

(1) Economic Affairs Interim Committee:
   (a) Senate Agriculture, Livestock, and Irrigation Committee;
   (b) Senate Business, Labor, and Economic Affairs Committee;
   (c) Senate Finance and Claims Committee;
   (d) House Agriculture Committee;
   (e) House Business and Labor Committee;
   (f) House Federal Relations, Energy, and Telecommunications Committee; and
   (g) House Appropriations Committee;

(2) Education and Local Government Interim Committee:
   (a) Senate Education and Cultural Resources Committee;
   (b) Senate Local Government Committee;
   (c) Senate Finance and Claims Committee;
   (d) House Education Committee;
   (e) House Local Government Committee; and
   (f) House Appropriations Committee;

(3) Children, Families, Health, and Human Services Interim Committee:
   (a) Senate Public Health, Welfare, and Safety Committee;
   (b) Senate Finance and Claims Committee;
   (c) House Human Services Committee; and
   (d) House Appropriations Committee;

(4) Law and Justice Interim Committee:
   (a) Senate Judiciary Committee;
   (b) Senate Finance and Claims Committee;
   (c) House Judiciary Committee; and
   (d) House Appropriations Committee;

(5) Revenue and Transportation Interim Committee:
   (a) Senate Taxation Committee;
   (b) Senate Highways and Transportation Committee;
   (c) Senate Finance and Claims Committee;
   (d) House Taxation Committee;
(e) House Transportation Committee; and
(f) House Appropriations Committee;

(6) State Administration and Veterans’ Affairs Interim Committee:
(a) Senate State Administration Committee;
(b) Senate Finance and Claims Committee;
(c) House State Administration Committee; and
(d) House Appropriations Committee;

(7) Energy and Telecommunications Interim Committee:
(a) Senate Energy Committee;
(b) House Federal Relations, Energy, and Telecommunications Committee;
(c) House Appropriations Committee; and
(d) Senate Finance and Claims Committee.
CHAPTER 40

Legislation

40-10. Amendment to state constitution. A bill must be used to propose an amendment to The Constitution of the State of Montana. The bill is not subject to the veto of the Governor (Montana Constitution, Art. VI, Sec. 10(1)).


(2) Appropriation bills for the operation of the Legislature must be introduced by the chair of the House Appropriations Committee.

40-30. Effective dates. (1) Except as provided in subsections (2) through (4), a statute takes effect on October 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(2) A law appropriating public funds for a public purpose takes effect on July 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(3) A statute providing for the taxation or imposition of a fee on motor vehicles takes effect on the first day of January following its passage and approval unless a different time is prescribed in the enacting legislation.

(4) A joint resolution takes effect on its passage unless a different time is prescribed in the joint resolution (sections 1-2-201 and 1-2-202, MCA).

40-40. Bill requests and introduction — limits and procedures — drafting priority — agency and committee bills. (1) Prior to a regular session, a person entitled to serve in that session, referred to as a “member”, or a legislative committee is entitled to request bill drafting services from the Legislative Services Division. Deadlines for requesting certain types of bills during a legislative session are contained in Joint Rule 40-50.

(a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of bills and resolutions to be prepared by the Legislative Services Division for introduction in the regular session.

(b) After 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be prepared by the Legislative Services Division. At least five of the seven bills or resolutions must be requested before the regular session convenes.

(c) After December 5, a member, in the member’s discretion, may grant to any other member any of the remaining bill or resolution requests the granting member has not used. A bill requested by an individual may not be transferred to another legislator but may be introduced by another legislator. The requestor must pick up the bill and sign a receipt indicating delivery of the bill and may either introduce the bill or give the bill to another legislator for introduction.

(d) These limitations on bill and resolution requests do not apply to:

(i) Code Commissioner bills;

(ii) a bill or resolution requested by a standing committee; and

(iii) a bill or resolution requested by a member at the request of a newly elected state official if so designated.

(2) (a) Except as provided in subsection (2)(b) or this subsection, the staff of the Legislative Services Division shall work on bill draft requests in the order received. After a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member. The Speaker of the House, the minority leader of the House, the President of the Senate, and the minority leader of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 20 draft requests. The staff of the Legislative Services Division shall assign a higher priority to any bill draft request when jointly directed by the President of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House.
(b) Except for bill draft requests described in subsection (1)(d)(iii), if a draft bill has not been received by the Legislative Services Division by November 15 for a bill by request of an agency or entity, the draft loses its priority under this rule.

(3) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills on the automated bill drafting equipment and shall print and deliver them to the requesting members. The original bill back must be signed to indicate review by the Legislative Services Division. A bill may not be introduced unless it is so signed.

(4) (a) During a session, a bill may be introduced by endorsing it with the name of a member and presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced in the house in which the member whose name appears first on the bill is a member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name, and the chief sponsor may not be changed. Except as provided in subsection (4)(b), in each session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in the order of their receipt.

(b) The first 15 House bills may be reserved for preintroduced bills.

(5) (a) Any bill requested by an interim or statutory legislative committee or on behalf of an administrative or executive agency or department through an interim or statutory committee must be so indicated by placing after the names of the sponsors the phrase “By Request of the......... (Name of committee or agency)”. The phrase may not be added to an introduced bill by amendment. The phrase may not be placed on a bill unless requested by a statutory or interim committee prior to the convening of the session. Unless requested by an individual member, a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory committee. Except as provided in subsection (5)(b), an agency or committee bill request must be preintroduced or the request is canceled. Preintroduction of an agency, committee, or individual legislator's bill must occur no later than 5 p.m. on December 15th prior to the convening of a regular legislative session. Preintroduction is accomplished when the Legislative Services Division receives a signed preintroduction form.

(b) The preintroduction requirement does not apply to an office held by an elected official during the official’s first year in that office or to bills requested by a joint select or joint special committee appointed prior to the convening of the legislative session to address a specific issue. Bills requested under this subsection (5)(b) may include the phrase “By Request of........(Name of official or committee)”.

(6) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the staff of the Legislative Services Division. Actual signatures of persons entitled to serve as members in the ensuing session may be obtained on a consent form from the Legislative Services Division and the sponsor's name printed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services Division to be included on the face of the bill following standing committee approval.

40-50. Schedules for drafting requests and bill introduction. (1) The following schedule must be followed for submission of drafting requests.

<table>
<thead>
<tr>
<th>Request Deadline</th>
<th>5:00 P.M.</th>
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</thead>
<tbody>
<tr>
<td>Legislative Day</td>
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- General Bills and Resolutions: 12
- Revenue Bills: 17
- Committee Bills and Resolutions: 36
- Committee Revenue Bills and Bills Proposing Referenda: 62
Committee Bills implementing provisions of a general appropriation act 67
Interim study resolutions 60
Appropriation Bills 45
Resolutions to express confirmation of appointments 45
Bills repealing or directing the amendment or adoption of administrative 40
rules and joint resolutions advising or requesting the repeal, amendment, 45
or adoption of administrative rules

(2) Bills and resolutions must be introduced within 2 legislative days after delivery. Failure to comply 50
with the introduction deadline results in the bill draft being canceled.

40-60. Joint resolutions. (1) A joint resolution must be adopted by both houses and is not approved 60
by the Governor. It may be used to:

(a) express desire, opinion, sympathy, or request of the Legislature;
(b) recognize relations with other governments, sister states, political subdivisions, or similar 70
governmental entities;
(c) request, but not require, a legislative entity to conduct an interim study;
(d) adopt, amend, or repeal the joint rules;
(e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;
(f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3), 80
10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;
(g) submit a negotiated settlement under section 39-31-305(3), MCA;
(h) declare or terminate an energy emergency under section 90-4-310, MCA;
(i) ratify or propose amendments to the United States Constitution;
(j) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of 90
Montana; or
(k) approve the organization of a new community college district under section 20-15-209, MCA.

(2) A joint resolution may not be used for purposes of congratulating or recognizing an individual or 100
group achievement. Recognition of individual or group achievements is handled on special orders of the

(3) Except as otherwise provided in these rules or The Constitution of the State of Montana, a joint
resolution is treated in all respects as a bill.

(4) A copy of every joint resolution must be transmitted after adoption to the Secretary of State by the
Secretary of the Senate or the Chief Clerk of the House.

40-65. Appropriation required for bills requesting interim studies. A bill including a request 110
for an interim study may not be transmitted to the Governor unless the bill contains an appropriation
sufficient to conduct the study. A fiscal note may be requested for a bill requesting an interim study if the
appropriation does not appear to be sufficient.

40-70. Bills with same purpose — vetoes. (1) A bill may not be introduced or received in a house 120
after that house, during that session, has finally rejected a bill designed to accomplish the same purpose,
except with the approval of the Rules Committee of the house in which the bill is offered for introduction
or reception.

(2) Failure to override a veto does not constitute final rejection.

40-80. Reproduction of full statute required. A statute may not be amended or its provisions 130
extended by reference to its title only, but the statute section that is amended or extended must be
reproduced or published at length.
40-90. Bills — original purpose. A law may not be passed except by bill. A bill may not be so altered or amended on its passage through either house as to change its original purpose (Montana Constitution, Art. V, Sec. 11(1)).

40-100. Fiscal notes. (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of a committee of the Legislature, including interim committees, having a potential effect on the revenues, expenditures, or fiscal liability of the state, local governments, or public schools, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption of substantive amendments to an introduced bill, shall determine the need for the note, based on the Legislative Services Division staff recommendation.

(2) The Legislative Services Division shall make available an electronic copy of any bill for which it has been determined a fiscal note may be necessary to the Budget Director immediately after the bill has been prepared for introduction and delivered to the requesting member. The Budget Director may proceed with the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial implications for a local government or school district must comply with subsection (4).

(3) The Budget Director, in cooperation with the governmental entity or entities affected by the bill, is responsible for the preparation of the fiscal note. Except as provided in subsection (4), the Budget Director shall return the fiscal note within 6 days unless further time is granted by the presiding officer or committee making the request, based upon a written statement from the Budget Director that additional time is necessary to properly prepare the note.

(4) (a) A bill that may require a local government or school district to perform an activity or provide a service or facility that requires the direct expenditure of additional funds without a specific means to finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect fiscal impacts on the local government or school district. The estimate of the fiscal impacts must be prepared by the Budget Director in cooperation with a local government or school district affected by the bill.

(b) The Budget Director has 10 days to prepare the estimate. Upon completion of the estimate, the Budget Director shall submit it to the presiding officer and the chief sponsor of the bill.

(5) A completed fiscal note must be submitted by the Budget Director to the presiding officer who requested it. The presiding officer shall notify the bill’s chief sponsor of the completed fiscal note and request the chief sponsor’s signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to discuss the findings with the Budget Director, if necessary. After the legislative day has elapsed, all fiscal notes must be reproduced and placed on the members’ desks, either with or without the chief sponsor’s signature.

(6) A fiscal note must, if possible, show in dollar amounts:

(a) the estimated increase or decrease in revenues or expenditures;

(b) costs that may be absorbed without additional funds; and

(c) long-range financial implications.

(7) The fiscal note may not include any comment or opinion relative to merits of the bill. However, technical or mechanical defects in the bill may be noted.

(8) A fiscal note also may be requested, with the approval of the presiding officer, on a bill and on an amended bill by:

(a) a committee considering the bill;

(b) a majority of the members of the house in which the bill is to be considered, at the time of second reading; or

(c) the chief sponsor.
(9) The Budget Director shall prepare and deliver an amended fiscal note on an amended bill within 3
days of the request by the presiding officer; otherwise the bill may proceed without the updated fiscal
note.

(10) The Budget Director shall make available on request to any member of the Legislature all
background information used in developing a fiscal note.

(11) If a bill requires a fiscal note, the bill may not be reported from a committee for second reading
unless the bill is accompanied by the fiscal note.

40-110. Sponsor’s fiscal note rebuttal. (1) If a sponsor elects to prepare a sponsor’s fiscal note
rebuttal pursuant to section 5-4-204, MCA, the sponsor shall make the election as provided and return
the completed sponsor’s fiscal note rebuttal form to the presiding officer within 4 days of the election.
The form must identify the bill number, the sponsor of the bill, the date prepared, the version of the fiscal
note being rebutted, the reasons the sponsor disagrees with the fiscal note, the items or assumptions in
the fiscal note that the sponsor believes are incorrect, and the sponsor’s estimate of the fiscal impact, if
an estimate is available.

(2) The presiding officer may grant additional time to the sponsor for preparation of the sponsor’s fiscal
note rebuttal.

(3) Upon receipt of the completed sponsor’s fiscal note rebuttal form, the presiding officer shall refer it
to the committee hearing the bill. If the bill is printed, the form must be identified as a sponsor's fiscal
note rebuttal, reproduced, and placed on the members’ desks.

(4) The Legislative Services Division shall provide forms for preparation of sponsors’ fiscal note
rebuttals and shall print the completed sponsors’ fiscal note rebuttal forms on a different color paper
than the fiscal notes prepared by the Budget Director.

40-120. Substitute bills. (1) A committee may recommend that every clause in a bill be changed and
that entirely new material be substituted so long as the new material is relevant to the title and subject
of the original bill. The substitute bill is considered an amendment and not a new bill.

(2) The proper form of reporting a substitute bill by a committee is to propose amendments to strike out
all of the material following the enacting clause, to substitute the new material, and to recommend any
necessary changes in the title of the bill.

(3) If a committee report is adopted that recommends a substitute for a bill originating in the other
house, the substitute bill must be printed and reproduced.

40-130. Reading of bills. Prior to passage, a bill, other than a bill requested by a joint select or joint
special committee as provided in 40-40(5)(b), must be read three times in the house in which it is under
consideration. It may be read either by title or by summary of title. Introduction constitutes the first
reading of the bill.

40-140. Second reading — bill reproduction. (1) If the majority of a house adopts a
recommendation for the passage of a bill originating in that house after the bill has been returned from a
committee with amendments, the bill must be reproduced on yellow paper with all amendments
incorporated into the copies.

(2) If a bill has been returned from a committee without amendments, only the first sheet must be
reproduced on yellow paper, and the remainder of the text may be incorporated by reference to the
preceding version of the entire bill.

(3) A bill requested by and heard by a joint select or joint special committee, as provided in 40-40(5)(b),
may be referred directly to second reading. If the bill is passed by the house of origin, the bill must be
transmitted to the other house, and if the bill was not amended, it may be placed on second reading
without the need for referral to a committee.

40-150. Engrossing. (1) When a bill has been reported favorably by Committee of the Whole of the
house in which it originated and the report has been adopted, the bill must be engrossed if the bill is
amended. Committee of the Whole amendments must be included in the engrossed bill. If the bill is not
amended, the bill must be sent to printing. The bill must be placed on the calendar for third reading on
the legislative day after receipt.
(2) Copies of the engrossed bill to be distributed to members are reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it is not required to be reprinted. Only the first sheet must be reproduced on blue paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.

(3) If a bill is amended by a standing committee in the second house, the amendments must be included in a tan-colored bill and distributed in the second house for second reading consideration. If the bill is amended in Committee of the Whole, the amendments must be included in a salmon-colored reference bill and distributed in the second house for third reading. If the bill passes on third reading, copies of the reference bill must be distributed in the original house. The original house may request from the second house a specified number of copies of the amendments to be printed.

**40-160. Enrolling.** (1) When a bill has passed both houses, it must be enrolled. An original and two duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches at the top and one inch on each side. In sections amending existing statutes, new matter must be underlined and deleted matter must be shown as stricken.

(2) When the enrolling is completed, the bill must be examined by the sponsor.

(3) The correctly enrolled bill must be delivered to the presiding officer of the house in which the bill originated. The presiding officer shall sign the original and two copies of each bill not later than the next legislative day after it has been reported correctly enrolled, unless the bill is delivered on the last legislative day, in which case the presiding officer shall sign it that day. The fact of signing must be announced by the presiding officer and entered upon the journal no later than the next legislative day. At any time after the report of a bill correctly enrolled and before the signing, if a member signifies a desire to examine the bill, the member must be permitted to do so. The bill then must be transmitted to the other house where the same procedure must be followed.

(4) A bill that has passed both houses of the Legislature by the 90th day may be:

(a) enrolled;
(b) clerically corrected by the presiding officers, if necessary;
(c) signed by the presiding officers; and
(d) delivered to the Governor or, in the case of a bill proposing a referendum, to the Secretary of State, not later than 5 working days after the 90th legislative day.

(5) All journal entries authorized under this rule must be entered on the journal for the 90th day.

(6) The original and two copies signed by the presiding officer of each house must be presented to the Governor or the Secretary of State, as applicable, in return for a receipt. A report then must be made to the house of the day of the presentation, which must be entered on the journal.

(7) The original must be filed with the Secretary of State. Signed copies with chapter numbers assigned pursuant to section 5-11-204, MCA, must be filed with the Clerk of the Supreme Court and the Legislative Services Division.

**40-170. Amendment by second house.** (1) Amendments to a bill by the second house may not be further amended by the house in which the bill originated, but must be either accepted or rejected. A bill amended by the second house when the effect of the combined amendments is to return the bill to the form that the bill passed the house in which the bill originated is not considered to have been amended and need not be returned to the house of origin for acceptance or rejection of the amendments. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated. If the amendments are accepted and the bill is of a type requiring more than a majority vote for passage, the bill again must be placed on third reading in the house of origin.

(2) The vote on third reading after concurrence in amendments is the vote of the house of origin that must be used to determine if the required number of votes has been cast.

**40-180. Final action on a bill.** (1) When a bill being heard by the second house has received its third reading or has been rejected, the second house shall transmit it as soon as possible to the original house with notice of the second house’s action.
A bill that reduces revenue and that contains a contingent voidness provision may not be transmitted to the Governor unless there is an identified corresponding reduction in an appropriation contained in the general appropriations act.

40-190. Transmittal of bills between houses — referral — hearing. (1) Each house shall transmit to the other with any bill all relevant papers.

(2) When a House bill is transmitted to the Senate, the Secretary of the Senate shall give a dated receipt for the bill to the Chief Clerk of the House. When a Senate bill is transmitted to the House of Representatives, the Chief Clerk of the House shall give a dated receipt to the Secretary of the Senate.

(3) Transmitted bills must be referred to committee and scheduled for hearing.

40-200. Transmittal deadlines — two-thirds vote requirement. (1) (a) A bill or amendment transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted.

(b) (i) A bill, except for an appropriation bill, a revenue bill, a bill proposing a referendum, an interim study resolution, or amendments considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative day.

(ii) Amendments, except to appropriation bills, committee bills implementing the general appropriations bill, the revenue estimating resolution, interim study resolutions, bills proposing referenda, and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.

(c) (i) Revenue bills and bills proposing referenda must be transmitted to the other house on or before the 71st legislative day.

(ii) Amendments to revenue bills and bills proposing referenda, received from the other house, must be transmitted to the house of origin on or before the 82nd legislative day.

(iii) A revenue bill is one that either increases or decreases revenue by enacting, eliminating, increasing, or decreasing taxes, fees, or fines or by suspending or otherwise changing the allocation of revenues.

(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 67th legislative day. A fund transfer within the state treasury is not an appropriation for purposes of this section.

(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.

(2) (a) A joint resolution introduced pursuant to 5-5-227, MCA, for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted to the Senate no later than the 60th legislative day.

(b) Amendments to the revenue estimating resolution must be transmitted to the body in which the resolution was introduced no later than the 82nd legislative day.

(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any time during a session.

(4) Interim study resolutions must be transmitted from one house to the other on or before the 85th legislative day.

40-210. Governor’s veto. (1) Except as provided in 40-65 and 40-180, each bill passed by the Legislature must be submitted to the Governor for the Governor’s signature. This does not apply to:

(a) bills proposing amendments to The Constitution of the State of Montana;

(b) bills ratifying proposed amendments to the United States Constitution;

(c) resolutions; and
(d) referendum measures of the Legislature.

(2) If the Governor does not sign or veto the bill within 10 days after its delivery, the bill becomes law.

(3) The Governor shall return a vetoed bill to the Legislature with a statement of reasons for the veto.

(4) If after receipt of a veto message, two-thirds of the members of each house present approve the bill, it becomes law.

(5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return the bill with reasons for the veto to the Legislature as provided by law. The Legislature may be polled on a bill that it approved by two-thirds of the members present or it may be reconvened to reconsider any bill so vetoed (Montana Constitution, Art. VI, Sec. 10).

(6) The Governor may veto items in appropriation bills, and in these instances the procedure must be the same as upon veto of an entire bill (Montana Constitution, Art. VI, Sec. 10).

40-220. Response to Governor’s veto. (1) When the presiding officer receives a veto message, the presiding officer shall read it to the members over the rostrum. After the reading, a member may move that the Governor’s veto be overridden.

(2) A vote on the motion is determined by roll call. If two-thirds of the members present vote “aye”, the veto is overridden. If two-thirds of the members present do not vote “aye”, the veto is sustained.

40-230. Governor’s recommendations for amendment — procedure. (1) The Governor may return any bill to the Legislature with recommendations for amendment. The Governor’s recommendations for amendment must be considered first by the house in which the bill originated.

(2) If the Legislature passes the bill in accordance with the Governor’s recommendations, it shall return the bill to the Governor for reconsideration. The Governor may not return a bill to the Legislature a second time for amendment.

(3) If the Governor returns a bill to the originating house with recommendations for amendment, the house shall reconsider the bill under its rules relating to amendments offered in Committee of the Whole.

(4) The bill then is subject to the following procedures:

(a) The originating house shall transmit to the second house, for consideration under its rules relating to amendments in Committee of the Whole, the bill and the originating house’s approval or disapproval of the Governor’s recommendations.

(b) If both houses approve the Governor’s recommendations, the bill must be returned to the Governor for reconsideration.

(c) If both houses disapprove the Governor’s recommendations, the bill must be returned to the Governor for reconsideration.

(d) If one house disapproves the Governor’s recommendations and the other house approves, then either house may request a conference committee, which may be a free conference committee.

(i) If both houses adopt a conference committee report, the bill in accordance with the report must be returned to the Governor for reconsideration.

(ii) If a conference committee fails to reach agreement or if its report is not adopted by both houses, the Governor’s recommendations must be considered not approved and the bill must be returned to the Governor for further consideration.
CHAPTER 60
Rules

60-10. Suspension of joint rule — change in rules. (1) A joint rule may be repealed or amended only with the concurrence of both houses, under the procedures adopted by each house for the repeal or amendment of its own rules.

(2) A joint rule governing the procedure for handling bills may be temporarily suspended by the consent of two-thirds of the members of either house, insofar as it applies to the house suspending it.

(3) Any Rules Committee report recommending a change in the joint rules must be referred to the other house. Any new rule or any change in the rules of either house must be transmitted to the other house for informational purposes.

(4) Upon adoption of any change, the Secretary of the Senate and the Chief Clerk of the House of Representatives shall provide the office of the Legislative Services Division:

(a) one copy of all motions or resolutions amending Senate, House, or joint rules; and

(b) copies of all minutes and reports of the Rules Committees.


60-30. Publication and distribution of joint rules. (1) The Legislative Services Division shall codify and publish in one volume:

(a) the rules of the Senate;

(b) the rules of the House of Representatives; and

(c) the joint rules of the Senate and the House of Representatives.

(2) After the rules have been published, the Legislative Services Division shall distribute copies as directed by the Senate and the House of Representatives.

60-40. Tenure of joint rules. The joint rules remain in effect until removed by a joint resolution or until a new Legislature is elected and takes office.
CHAPTER 1
Administration

S10-10. Officers of the Senate. The officers of the Senate are the officers listed and elected in accordance with Title 5, chapter 2, part 2, MCA.

S10-20. Term of office. The term of office for the officers and employees of the Senate established by law is until the succeeding Legislature is organized. This rule may not be construed to mean the staff will be full-time employees during an interim.

S10-30. President, President pro tempore, and other officers. (1) The Senate shall, at the beginning of each regular session, and at other times as may be necessary, elect a Senator as President and a Senator as President pro tempore.

(2) The Senate shall choose its other officers and is the judge of the elections, returns, and qualifications of the Senators.

S10-40. Voting by presiding officer. Any Senator, when acting as presiding officer of the Senate, shall vote as any other Senator.

S10-50. Presiding officer and duties. (1) The presiding officer of the Senate is the President of the Senate, who must be chosen in accordance with law.

(2) The President shall take the chair on every legislative day at the hour to which the Senate adjourned at the last sitting.

(3) The President may name a Senator to perform the duties of the President when the President pro tempore is not present in the Senate chamber. The Senator who is named is vested during that time with all the powers of the President.

(4) The President has general control over the assignment of rooms for the Senate and shall preserve order and decorum. The President may order the galleries and lobbies cleared in case of disturbance or disorderly conduct.

(5) The President shall sign all necessary certifications of the Senate, including enrolled bills and resolutions, journals, subpoenas, and payrolls. The President’s signature must be attested by the Secretary of the Senate.

(6) The President shall approve the calendar for each legislative day.

(7) The President is the chief administrative officer of the Senate, with authority for the general supervision of all Senate employees. The President may seek the advice and counsel of the Legislative Administration Committee.

(8) The President of the Senate is the authorized approving authority of the Senate during the term of election to that office.

(9) The President shall refer bills to committee upon introduction or reception in the office of the Secretary of the Senate.

S10-60. Succession. (1) In case of the absence or disqualification of the President, the President pro tempore of the Senate shall perform the duties of the President until the vacancy is filled or the disability removed.

(2) Whenever the President pro tempore of the Senate is of the opposite political party from that of the President, the following procedure applies:

(a) If the President dies while in office, the members of the Senate have the right to immediately nominate and elect an acting President of the same party.

(b) If the President is absent for 2 or more legislative days or at any time after the 85th legislative day or at any time during special session of the Legislature and wants to appoint an acting President during the President’s absence, the President may do so, or the members of the Senate have the right to immediately nominate and elect an acting President of the President’s caucus.
(c) An acting President of the Senate has the powers of the President and supersedes the powers of the President pro tempore.

S10-70. President-elect. The President-elect nominated by the appropriate party caucus held in accordance with section 5-2-201, MCA, has the responsibility and authority to assume the duties of President of the Senate.

S10-80. Legislative Administration Committee duties. (1) The Legislative Administration Committee shall consider matters relating to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

(2) The committee has authority to act in the interim to prepare for future legislative sessions.

(3) The committee shall approve contracts for purchase or lease of equipment and supplies for the Senate, subject to the approval of the President.

(4) The committee shall consider disputes or complaints involving the competency or decorum of legislative employees referred to it by the President and recommend dismissal, suspension, or retention of employees.

(5) The chair of the Legislative Administration Committee may, upon approval of the President, have purchase orders and requisitions prepared and forwarded to the accounting office in the Legislative Services Division.

S10-90. Majority Leader. The primary functions of the majority leader usually relate to floor duties. The duties of the majority leader may include but are not limited to:

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

S10-100. Majority Whip. The duties of the majority whip may include but are not limited to:

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

S10-110. Minority Leader. The minority leader is the principal leader of the minority caucus. The duties of the minority leader may include but are not limited to:

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

S10-120. Minority Whip. The major responsibilities for the minority whip may include but are not limited to:

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

**S10-130. Senate employees.** (1) In addition to the employees appointed by the President in accordance with section 5-2-221, MCA, the Senate shall employ staff recommended by the leadership and the Legislative Administration Committee as necessary to perform the functions of the Senate.

(2) The Secretary of the Senate shall designate a secretary to take and prepare written minutes of committee meetings for each standing committee. A committee secretary is immediately responsible to the chair, but shall work under the overall direction of the Secretary of the Senate, subject to authority of the committee chair.

(3) The President, majority leader, and minority leader may each appoint a private secretary.

**S10-140. Secretary of the Senate and duties.** The Secretary of the Senate works under the direction of the President. The responsibilities of the Secretary of the Senate include:

(1) performing the duties prescribed by law or other provisions of these rules;

(2) serving as parliamentary advisor to the Senate;

(3) compiling and maintaining the calendar for approval by the President;

(4) keeping the leadership informed on the progress and workload of the Senate;

(5) transmitting bills with appropriate messages to the House of Representatives as instructed by action of the Senate;

(6) keeping and maintaining records of the Senate; and

(7) supervision of the Senate employees, except as otherwise provided.

**S10-150. Sergeant-at-Arms duties.** Under the direction of the President, the Sergeant-at-Arms shall:

(1) maintain order as directed by the President or chair of the Committee of the Whole;

(2) enforce the lobbying rules of the Senate;

(3) supervise the employees assigned to the Sergeant’s office;

(4) receive, distribute, and maintain supplies, equipment, and other inventory of the Senate, along with records of purchase and disposal in accordance with law;

(5) perform duties as required by other rules and the Senate.

**S10-160. Legislative aides.** Each Senator may designate one person of legal age to serve as an aide during the session. Exceptions to this policy may be approved by the Rules Committee. The Senator shall register an aide with the Secretary of the Senate and arrange for the purchase of a name tag with the Sergeant-at-Arms.

**S10-170. Senate journal.** (1) The Senate shall keep and authenticate a journal of its proceedings as required by law and the rules.

(2) The Secretary of the Senate will supervise the preparation of the journal by the journal clerks trained by the Legislative Services Division under the direction of the President.

(3) In addition to the proceedings required by law to be recorded, the journal must include:

(a) committee reports;

(b) every motion, the name of the Senator presenting it, and its disposition;

(c) the introduction of legislation in the Senate;

(d) consideration of legislation subsequent to introduction;

(e) roll call votes;

(f) messages from the Governor and the House of Representatives;

(g) every amendment, the name of the Senator presenting it, and its disposition;
(h) the names of Senators and their votes on any question upon a request by two Senators before a vote is taken; and

(i) any other records the Senate directs by rule or action.

(4) The Secretary of the Senate shall provide information that may be necessary for the preparation of the daily journal for printing by the Legislative Services Division. Upon approval by the President, the daily journal must be reproduced and made available.

(5) Any Senator may examine the daily journal and propose corrections. Without objection by the Senate, the President may direct the correction to be made.

(6) The President shall authenticate the original daily journal, from time to time, and the Secretary of the Senate shall, as appropriate, deliver it to the Legislative Services Division to be prepared for publication and distribution in accordance with law.
S20-10 Questions of order — appeal. The President of the Senate shall decide all questions of order, subject to an appeal by any Senator seconded by two other Senators. A Senator may not speak more than once on an appeal without the consent of a majority of the Senate.

S20-20. Violation of rules — call to order — appeal. (1) If a Senator, in speaking or otherwise, violates the rules of the Senate, the President shall, or the majority leader or minority floor leader may, call the Senator to order, in which case the Senator called to order must be seated immediately.

(2) The Senator called to order may move for an appeal to the Senate, and if the motion is seconded by two Senators, the matter must be submitted to the Senate for determination by majority vote. The motion is nondebatable.

(3) If the decision of the Senate is in favor of the Senator called to order, the Senator may proceed. If the decision is against the Senator, the Senator may not proceed.

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

S20-30. Questions of privilege — restrictions. (1) Questions of privilege in order of precedence are those:

(a) affecting the collective rights, safety, dignity, or integrity of the proceedings of the Senate; and

(b) affecting the rights, reputation, or conduct of individual Senators in their capacity as Senators.

(2) A Senator may not address the Senate 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.

S20-40. Recognition by chair. A Senator desiring to speak shall rise and address the presiding officer and, once being recognized, shall speak standing in place. The presiding officer may grant permission for a speaker to speak from elsewhere in the chamber. When two or more Senators rise at the same time, the presiding officer shall name the order of the speakers.

S20-50. Floor privileges. (1) When the Senate is in session no person is permitted in the chambers except:

(a) legislators;

(b) legislative officers and employees whose presence is necessary for the conduct of business of the session;

(c) registered representatives of the media; and

(d) former legislators (not currently registered as lobbyists).

(2) The President may make exceptions for visiting dignitaries.

(3) Beginning 1 hour before and ending one-half hour after adjournment, no person is permitted in the chambers except those authorized as exceptions under subsection (1) or (2).

S20-60. Communications to Senate. A communication to the Senate must be addressed to the President and must bear the name of the person submitting it. The President shall decide if the communication bears including in the calendar.
S20-70. Distribution of materials on floor — exception. (1) Subject to subsection (2), material may not be distributed on the Senators’ desks in the chamber unless the material bears the signature of the bearer and a Senator and has been approved by the President.

(2) Subsection (1) does not apply to material written by staff at the request of a Senator and placed on the Senator’s desk.
CHAPTER 3
Committees

S30-10. Committee appointments. (1) There is a Committee on Committees consisting of six members. If the Senate is evenly divided between parties, the committee shall consist of six Senators, three from the majority party and three from the minority party.

(2) The Committee on Committees shall, with the approval of the Senate, appoint the members of Senate standing committees, select committees, and joint committees. Prior to making committee assignments, the Committee on Committees shall take into consideration the recommendations of the minority leader for minority committee assignments.

(3) The President of the Senate shall appoint all conference committees and special committees, with the advice of the majority leader and minority leader.

(4) The Senate may change the membership of any committee on 1 day’s notice.

S30-20. Standing committees — classification. (1) The standing committees of the Senate are as follows:

(a) class one committees:
   (i) Business, Labor, and Economic Affairs;
   (ii) Finance and Claims;
   (iii) Judiciary; and
   (iv) Taxation;

(b) class two committees:
   (i) Education and Cultural Resources;
   (ii) Local Government;
   (iii) Natural Resources;
   (iv) Public Health, Welfare, and Safety; and

(v) State Administration;

(c) class three committees:
   (i) Agriculture, Livestock, and Irrigation;
   (ii) Energy and Telecommunications;
   (iii) Fish and Game; and

(iv) Highways and Transportation; and

(d) on call committees:
   (i) Ethics;
   (ii) Legislative Administration; and

(iii) Rules.

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

(3) The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council’s recommendations must be submitted to the leadership nominated or elected at the presession caucus provided for in 5-2-201.
S30-40. Ex officio members — quorum. (1) A quorum of a committee is a majority of the members of the committee. A quorum of a committee must be present at a meeting to act officially. A quorum of a committee may transact business, and a majority of the quorum, even though it is a minority of the committee, is sufficient for committee action.

(2) The majority leader and the minority leader are ex officio nonvoting members of all committees in order to establish a quorum.

S30-50. Chair’s duties. (1) The chair of a committee is the presiding officer of that committee and is responsible for:

(a) maintaining order within the committee room and its environs;
(b) scheduling hearings and executive action;
(c) supervising committee work, including the appointment of subcommittees to act on a formal or informal basis; and
(d) authenticating committee reports by signing them and submitting them promptly to the Secretary of the Senate. The chair shall sign business reports reflecting action taken in each committee meeting that enable the preparation of committee minutes. The minutes must be printed on archival paper.

(2) The Secretary of the Senate shall arrange to have the minutes copied in an electronic format. An electronic copy will be provided to the Legislative Services Division and the State Law Library of Montana. The archival paper copy must be delivered to the Montana Historical Society.

S30-60. Meetings — notice — purpose — minutes. (1) All meetings of committees must be open to the public at all times, subject always to the power and authority of the chair to maintain safety, order, and decorum. The date, time, and place of committee meetings must be announced.

(2) Notice of a committee hearing must be made by posting the date, time, and subject of the hearing in a conspicuous public place not less than 3 legislative days in advance of the hearing. This 3-day notice requirement does not apply to hearings scheduled:

(a) prior to the third legislative day;
(b) less than 10 legislative days before the transmittal deadline applicable to the subject of the hearing;
(c) to consider confirmation of a gubernatorial appointment received less than 10 legislative days before the last scheduled day of a legislative session; or
(d) due to appropriate circumstances.

(3) When a committee hearing is scheduled with less than 3 days’ notice, the committee chair shall use all practical means to disseminate notice of the hearing to the public.

(4) Notice of conference committee hearings must be given as provided in Joint Rule 30-30.

(5) A committee or subcommittee may be assembled for:

(a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;
(b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or
(c) a work session at which the committee may discuss bills, resolutions, or other matters but take no formal action.

(6) All committees meet at the call of the chair or upon the request of a majority of the members of the committee.

(7) A committee may not meet during the time the Senate is in session without leave of the President. Any Senator attending a meeting while the Senate is in session must be considered excused to attend business of the Senate subject to a call of the Senate.
All meetings of committees must be recorded and the minutes must be available to the public within a reasonable time after the meeting. The official record must contain at least the following information:

(a) the time and place of each meeting of the committee;
(b) committee members present, excused, or absent;
(c) the names and addresses of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;
(d) all motions and their disposition;
(e) the results of all votes; and
(f) all testimony and exhibits.

If a bill is heard in a joint committee, it must be referred to a standing committee. The standing committee is not required to hold an additional hearing but shall take executive action and may report the bill to the Committee of the Whole.

A bill or resolution may not be considered or become a law unless referred to a committee and returned from a committee.

A bill may be rereferred at any time before its passage.

**S30-70. Procedures — member privileges.**

1. The chair shall notify the sponsor of any bill pending before the committee of the time and place it will be considered.

2. A standing or select committee may not hear legislation unless the sponsor or one of the cosponsors is present or unless the sponsor has given written consent.

3. (a) Subject to subsection (3)(b), the committee shall act on each bill in its possession:
   (i) by reporting the bill out of the committee:
      (A) with the recommendation that it be referred to another committee;
      (B) favorably as to passage; or
      (C) unfavorably; or
   (ii) by tabling the measure in committee.

   (b) At the written request of the sponsor made at least 48 hours prior to a scheduled hearing, a committee shall finally dispose of a bill without a hearing. Except as provided in S30-60(9), a bill may not be reported from a committee without a hearing.

4. The committee may not report a bill to the Senate without recommendation.

5. In reporting a measure out of committee, a committee shall include in its report:
   (a) the measure in the form reported out;
   (b) the recommendation of the committee;
   (c) an identification of all proposed changes; and
   (d) a fiscal note, if required.

6. If a measure is taken from a committee and brought to the Senate floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee because committee amendments are merely recommendations to the Senate that are formally adopted when the committee report is accepted by the Senate.

7. A second to any motion offered in a committee is not required in order for the motion to be considered by the committee.

8. The vote of each member on all committee actions must be recorded and reported in the committee minutes. All motions may be adopted only on the affirmative vote of a majority of the members voting.
A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the members present at any meeting of the committee.

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

A committee may reconsider any action as long as the matter remains in the possession of the committee. A bill is in the possession of the committee until a report on the bill is made to the Committee of the Whole. A committee member need not have voted with the prevailing side in order to move reconsideration.

The chair shall decide points of order.

The privileges of committee members include the following:

(a) to participate freely in committee discussions and debate;
(b) to offer motions;
(c) to assert points of order and privilege;
(d) to question witnesses upon recognition by the chair;
(e) to offer any amendment to any bill; and
(f) to vote, either by being present or by proxy, using a standard form.

Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the Senate Rules.

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

Committee procedure must be informal, but when any questions arise on committee procedure, the rules or practices of the Senate are applicable except as stated in the Senate Rules.

S30-80. Public testimony — decorum — time restrictions. (1) Testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall register on the committee witness list.

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

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

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

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

S30-100. Pairs prohibited — absentee or proxy voting. Pairs in standing committee are prohibited. Standing and select committees may by a majority vote of the committee authorize Senators to vote in absentia. Authorization for absentee or proxy voting must be reflected in the committee minutes.

S30-140. Reconsideration in committee. A committee may at any time prior to submitting a report to the Secretary of the Senate reconsider its previous action on legislation.
S30-150. Committee requested legislation. (1) (a) Except as provided in subsection (1)(b), at least three-fourths of all the members of a standing committee must have voted in favor of the question to allow the committee to request the drafting and introduction of legislation.

(b) The Finance and Claims Committee may request the drafting and introduction of legislation by a majority vote of all of the members of the committee.

(2) The chair of a committee shall introduce, or shall designate a member of the committee to introduce, legislation requested by the committee. The introduced bill must be referred to the requesting committee.

S30-160. Ethics Committee. (1) The Ethics Committee shall meet only upon the call of the chair after the referral of an issue from the Rules Committee or to consider a request for a determination pursuant to subsection (4). The Rules Committee may be convened to consider the referral of a matter to the Ethics Committee upon the request of a Senator. The Rules Committee shall prepare a written statement of the specific question or issue to be addressed by the Ethics Committee. The issues referred to the Ethics Committee must be related to the actions of a Senator during a legislative session.

(2) The matters that may be referred to the Ethics Committee are:

(a) a violation of:

(i) 2-2-103;

(ii) 2-2-104;

(iii) 2-2-111;

(iv) 2-2-112;

(b) the use or threatened use of a Senator’s position for personal or personal business benefit or advantage; or

(c) any other violation of law by a Senator while acting in the capacity of Senator.

(3) If there is a recommendation from the Ethics Committee, the recommendation is made to the Senate.

(4) As provided in 2-2-112, a Senator may seek a determination from the Ethics Committee concerning the possibility of a personal conflict of interest.
CHAPTER 4

Legislation

S40-10. Types of legislation. The only types of legislation that may be introduced in the Senate are those that have been drafted and approved by the Legislative Services Division and signed by a Senator as chief sponsor. The types of legislation allowed include:

1. bills of any subject, except appropriations;
2. joint resolutions, which may be used for any purpose specified in Joint Rule 40-60; and
3. simple resolutions, which may:
   a. adopt or amend Senate rules;
   b. provide for the internal affairs of the Senate;
   c. express confirmation of the Governor’s appointments; or
   d. make recommendations concerning the districting and apportionment plan as provided by Article V, section 14(4), of the Montana Constitution.

S40-20. Introduction — first reading. (1) Upon receiving a bill or resolution from a Senator, the Secretary of the Senate shall assign an appropriate sequential number, which constitutes introduction of the legislation. Legislation properly introduced or received in the Senate must be announced across the rostrum and public notice provided. This announcement constitutes first reading, and no debate or motion is in order except that a Senator may question adherence to rules. Acknowledgment by the Secretary of the Senate of receipt of legislation transmitted from the House commences the time limit for consideration of the legislation. All legislation received by the Senate may be referred to a committee prior to being read across the rostrum.

2. Bills and resolutions preintroduced as provided in Joint Rule 40-40 may be assigned to committee and printed prior to the legislative session. The Legislative Services Division is responsible for ensuring the preintroduction intent from each Senator and presenting the preintroduced legislation to the Secretary of the Senate.

3. Upon referral to committee, the Secretary of the Senate shall publicly post a listing of the bill or resolution by a summary of its title, together with a notation of the committee to which it has been assigned.

4. The sponsor may ask the Legislative Services Division to change or correct a short title used on the bill status system.

S40-30. Additional sponsors. (1) Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill or resolution. Forms for adding sponsors will be supplied on request by the Secretary of the Senate.

2. Upon passage of the motion, the names of the additional sponsors will be printed in the journal and the form containing the signatures of the additional sponsors will be forwarded to the Legislative Services Division with the original bill for the inclusion of the names in subsequent printings of the bill or resolution.

S40-40. Reading limitations. (1) Every bill must be read three times prior to passage, either by title or by summary of title as provided in these rules.

2. A bill or resolution may not have more than one reading on the same day except the last legislative day.

3. An amendment may not be offered on third reading.

S40-60. Scheduling for second reading. (1) All bills and resolutions that have been reported by a committee or withdrawn from a committee by motion, accepted by the Senate, and reproduced must be scheduled for consideration by Committee of the Whole.
(2) Until the 50th legislative day, 1 day must elapse between receiving the legislation from printing and scheduling for second reading for consideration by Committee of the Whole unless a printed version of an unamended bill is available.

(3) The majority leader shall arrange legislation on the agenda in the order in which the bills will be considered, unless otherwise ordered by the Senate or Committee of the Whole.
CHAPTER 5

Floor Action

S50-10. Attendance — mandatory voting — quorum. (1) Unless excused, Senators must be present at every sitting of the Senate and shall vote on questions put before the Senate.

(2) A majority of the Senate shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent Senators, in the manner and under penalties as the Senate may prescribe (Montana Constitution, Art. V, sec. 10(2)).

S50-20. Orders of business. After prayer, roll call, and report on the journal, the order of business of the Senate is as follows:

(1) communications and petitions;
(2) reports of standing committees;
(3) reports of select committees;
(4) messages from the Governor;
(5) messages from the House of Representatives;
(6) motions;
(7) first reading and commitment of bills;
(8) second reading of bills (Committee of the Whole);
(9) third reading of bills;
(10) unfinished business;
(11) special orders of the day; and
(12) announcement of committee meetings.

To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the Senate shall revert to Order of Business No. 1 when reconvening after a recess.

S50-30. Limitations on debate. A Senator may not speak more than twice on any one motion or question without unanimous consent of the Senate, unless the Senator has introduced or proposed the motion or question under debate, in which case the Senator may speak twice and also close the debate. However, a Senator who has spoken may not speak again on the same motion or question to the exclusion of a Senator who has not spoken.

S50-40. Procedure upon offering a motion. (1) When a motion is offered it must be restated by the presiding officer. If requested by the presiding officer or a Senator, it must be reduced to writing, presented at the rostrum, and read aloud by the Secretary.

(2) A motion may be withdrawn by the Senator offering it at any time before it is amended or voted upon.

S50-50. Precedence of motions. (1) When a question is under debate only the following privileged and subsidiary motions may be made:

(a) to adjourn (nondebatable S50-60);
(b) for a call of the Senate (nondebatable S50-60);
(c) to recess (nondebatable S50-60);
(d) question of privilege;
(e) to lay on the table (nondebatable S50-60);
(f) for the previous question (nondebatable S50-60);
(g) to postpone to a certain day;
(h) to refer or commit;
(i) to amend; and
(j) to postpone indefinitely.
(2) The motions listed in subsection (1) have precedence in the order listed.
(3) A question may be indefinitely postponed by a majority roll call of all Senators present and voting. When a bill or resolution is postponed indefinitely, it is finally rejected and may not be acted upon again except upon a motion of reconsideration as provided in S50-90.
(4) A motion or proposition on a subject different from that under consideration may not be accepted unless a substitute motion is in order.

S50-60. Nondebatable motions. The following motions are not debatable:
(1) to adjourn;
(2) for a call of the Senate;
(3) to recess or rise;
(4) for parliamentary inquiry;
(5) for suspension of the rules;
(6) to lay on the table;
(7) for the previous question;
(8) to limit, extend the limits of, or to close debate;
(9) to amend an undebatable motion;
(10) to change a vote (S50-200);
(11) to pass business in Committee of the Whole;
(12) to take from the table;
(13) a decision of the presiding officer, unless appealed or unless the presiding officer submits the question to the Senate for advice or decision; and
(14) all incidental motions, such as motions relating to voting or other questions of a general procedural nature.

S50-70. Amending motions — restrictions. (1) Subject to subsection (2), no more than one amendment and no more than one substitute motion may be made to a motion. This rule permits the main motion and two modifying motions.
(2) A motion for a call of the Senate, for the previous question, to table, or to take from the table may not be amended.

S50-80. Previous question. (1) Except as provided in subsection (2), the effect of calling for the previous question, if adopted, is to close debate immediately, to prevent the offering of amendments or other subsidiary motions, and to bring to vote promptly the immediately pending main question and the adhering subsidiary motions, whether on appeal or otherwise. The motion for the previous question is nondebatable as provided in S50-60(7).
(2) When the previous question is ordered on any debatable question on which there has been no debate, the question may be debated for one-half hour, one-half of that time to be given to the proponents and one-half to the opponents. The sponsor of the main motion on which the previous question is adopted may close on the motion regardless of whether debate on the main motion has occurred.
(3) A call of the Senate is not in order after the previous question is ordered unless it appears upon an actual count by the presiding officer that a quorum is not present.
S50-90. Reconsideration — time restrictions. (1) Subject to subsection (6), any Senator may, on the day the vote was taken or on the next day the Senate is in session, move to reconsider the question. A motion to reconsider is a debatable motion, but the debate is limited to the motion. The debate on a motion to reconsider may not address the substance of the matter for which reconsideration is sought. However, an inquiry may be made concerning the purpose of the motion to reconsider.

(2) A motion to reconsider must be disposed of when made unless a proper substitute motion is made and adopted.

(3) A motion to recall a bill from the House of Representatives constitutes notice to reconsider and must be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the House of Representatives may be made only under Order of Business No. 6 and, under that order of business, takes precedence over all motions except motions to recess or adjourn.

(4) When a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table. When a motion to reconsider fails, the question is finally and conclusively settled.

(5) If a motion to reconsider third reading action is carried, there may not be further action until the succeeding legislative day.

(6) If the Senate has adjourned for more than 2 days, then a motion to reconsider action taken on the last day the Senate was in session is in order on the day the Senate reconvenes or on the following legislative day.

S50-100. Dividing a question — segregation excluded. A Senator may request to divide a question if it includes two or more propositions so distinct in substance that if one thing is taken away a substantive question will remain. A vote is not required on a request to divide a question, but the chair may rule that a question is not divisible. The ruling of the chair may be appealed as provided in S20-10 and S20-20. For an appeal of a ruling of the presiding officer, the question for the Senate must be stated as, “Shall the ruling of the chair be upheld?”. A motion to segregate pursuant to S50-140(4) is not a request to divide a question.

S50-110. Rules for questions or bills requiring other than a majority vote. (1) Except as provided in subsection (2), a question or bill requires more than a majority vote for final passage, a majority vote is sufficient to decide any question relating to the question or bill prior to third reading.

(2) Any vote in the Senate on a bill proposing an amendment to the Montana Constitution under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote. This rule does not prevent a committee from indefinitely postponing or tabling a bill proposing an amendment to the Montana Constitution.

(3) If a bill has been amended in the House of Representatives and the amendments are accepted by the Senate, the bill must again be placed on third reading in the Senate to determine if the required number of votes has been cast.

S50-120. Committee reports to Senate — reconsideration. (1) Reports of standing committees must be read on Order of Business No. 2, and, subject to subsection (4), debate may not be had on any report.

(2) On an adverse committee report, the sponsor may respond to the chair of the committee making the report.

(3) Any Senator seeking a reconsideration of the Senate’s action on the adoption of a committee report shall do so on Order of Business No. 6 by motion to reconsider as provided in S50-90. Any Senator may make the reconsideration motion and need not have voted on the prevailing side. This rule applies notwithstanding any joint rule to the contrary. Subject to S50-90(6), the reconsideration motion must be made within 1 legislative day of the adoption of the committee report and is not in order if the bill has been considered in Committee of the Whole.

(4) (a) Subject to subsection (4)(b), the Rules Committee and conference committees may report at any time, except during a call of the Senate, when a vote is being taken, or during Committee of the Whole.
(b) The Rules Committee may report during Committee of the Whole on matters referred to the Committee by the Committee of the Whole.

S50-130. Conference committee — reports. (1) When a conference committee report is filed with the Secretary of the Senate, the report must be read under Order of Business No. 3, select committees, and placed on the calendar the succeeding legislative day for consideration on second reading. If recommended favorably by the Committee of the Whole, it may be considered on third reading the same legislative day.

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

(3) If the Senate rejects a conference committee report, the committee continues to exist unless dissolved by the President or by motion. The committee may file a subsequent report.

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

S50-140. Second reading — Committee of the Whole report — segregation — rejection. (1) The Senate may resolve itself into a Committee of the Whole for consideration of business on second reading, by approval of a motion for that purpose.

(2) After a Committee of the Whole has been formed, the President shall appoint a chair to preside.

(3) All legislation considered in the Committee of the Whole must be read by a summary of its title. The sponsor shall make an opening statement, proposed amendments must be considered, and then the bill must be considered in its entirety.

(4) Prior to adoption of the Committee of the Whole report, a Senator may move to segregate legislation. If the motion prevails, the legislation remains on second reading.

(5) When a Committee of the Whole report on legislation is rejected, the legislation remains on second reading.

S50-150. Committee of the Whole amendments. (1) All Committee of the Whole amendments must be prepared by the staff of the Legislative Services Division, stipulating the date and time of preparation and staff approval, and delivered to the Secretary of the Senate for reading before the amendment is voted on.

(2) Each amendment, rejected or adopted, must be printed in the journal, along with the name of the sponsor and the vote on each.

S50-160. Motions in Committee of the Whole. (1) All proper motions on second reading are debatable unless specified in S50-60.

(2) The only motions in order during Committee of the Whole are to:
(a) recommend passage or nonpassage;
(b) recommend concurrence or nonconcurrence (House amendments to Senate legislation);
(c) amend;
(d) indefinitely postpone;
(e) pass consideration;
(f) change the order in which legislation is placed on the agenda (nondebatable S50-60(14));
(g) rise (nondebatable S50-60(3));
(h) rise and report progress and ask leave to sit again (nondebatable S50-60(3)); or
(i) rise and report (nondebatable S50-60(3)).
(3) The motions listed in subsection (2) may be made in descending order as listed.

S50-170. Committee of the Whole — generally. (1) The Committee of the Whole may not appoint subcommittees.

(2) The Committee of the Whole may not punish its members for misconduct, but may report disorder to the Senate.

S50-180. Voting on second reading — positive disposition of motions. (1) On Order of Business No. 8, in addition to other methods, a recorded vote may be made in the following manner: the chair may call for a voice vote to accept or reject a question. If the vote is other than unanimous, the chair may ask that the lesser number on the question indicate their vote by standing. The Secretary will then record the vote of those standing. The chair may then rule that unless excused those not standing and present have voted on the prevailing side of the question and that their vote be recorded as voting on the prevailing side. If there was a unanimous voice vote, all those present will be recorded as having voted for the question.

(2) A motion on second reading must be disposed of by a positive vote.

S50-190. Third reading procedure. (1) Unless rereferred to a committee by a majority vote after the adoption of the Committee of the Whole report but before moving to another order of business, all legislation passing second reading must be placed on third reading the day following the receipt of the engrossing or other appropriate printing report.

(2) On Order of Business No. 9 the Secretary shall read the title and the President shall state the question as follows: “Senate bill number (or other appropriate identification)..... having been read three several times, the question is, shall the bill (or other appropriate identification) pass the Senate?”

(3) If an electronic voting system is used, the President shall state “Those in favor vote yes and those opposed vote no” and the Secretary will sound the signal and open the board for voting. After a reasonable pause the presiding officer asks “Has every member voted?” (reasonable pause), “Does any member wish to change his or her vote?” (reasonable pause), “The Secretary will record the vote.”

S50-200. Senate voting — changing a vote — objection. (1) A roll call vote must be taken on the request of two Senators, if the request occurs before the vote is taken.

(2) On a roll call vote the names of the Senators must be called alphabetically, unless an electronic voting system is used. A Senator may not vote after the decision is announced from the chair. A Senator may not explain a vote until after the decision is announced from the chair.

(3) A Senator may move to change the Senator’s vote, on any recorded vote, within 1 legislative day of the vote. The Senator making the motion shall first specify the bill number, the date of the vote, and the original vote tally. A vote may not be changed if it would affect the outcome of legislation. The motion is nondebatable. If none of the Senators present object, the change must be entered into the journal.

(4) If any Senator objects to the request in subsection (3), the Senator making the request may move to suspend the rules to allow the Senator to change the Senator’s vote.

(5) An error caused by a malfunction of the voting system may be corrected without a vote within 10 minutes of the malfunction.

S50-210. Pairs — Committee of the Whole. (1) Two Senators may pair on a question that will be determined by a majority vote. On a question requiring a two-thirds vote for adoption, three Senators may pair, with two Senators for the question and one Senator against. Pairing is permitted only when one of the paired Senators is excused when the vote is taken.

(2) An agreement to pair must be in writing and dated and signed by the Senators agreeing to be bound and must specify the duration of the pair. When an agreement to pair is filed with the Secretary of the Senate, it binds the Senators signing until the expiration of time for which it was signed, unless the paired Senators sooner appear and ask that the agreement be canceled.

S50-220. Call of the Senate. (1) In the absence of a quorum, a majority of Senators present may compel the attendance of absent Senators by ordering a call of the Senate.

(2) If a quorum is present, five Senators may order a call of the Senate.
(3) On a call of the Senate, a Senator who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of the Senators present direct. When the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator’s absence, the Senator may not be paid any expense payments while absent and is liable for the expenses incurred in procuring the Senator’s attendance.

(4) During a call of the Senate, all business must be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. The call may be removed by a two-thirds vote of the members present.

S50-230. House amendments to Senate legislation. (1) When the House has properly returned Senate legislation with House amendments, the Senate shall announce the amendments on Order of Business No. 5 and the President shall place them on second reading for debate. The President may rerefer Senate legislation with House amendments to a committee for a hearing if the House amendments constitute a significant change in the Senate legislation. The second reading vote is limited to consideration of the House amendments.

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

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

S50-240. Governor’s amendments. (1) When the Governor returns a bill with recommended amendments, the Senate shall announce the amendments under Order of Business No. 4.

(2) The Senate may debate and adopt or reject the Governor’s recommended amendments on second reading on any legislative day.

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

S50-250. Governor’s veto. (1) When the Governor returns a bill with a veto, the Senate shall announce the veto under Order of Business No. 4.

(2) On any legislative day, a Senator may move to override the Governor’s veto by a two-thirds vote under Order of Business No. 6.
CHAPTER 6

Rules

S60-10. Senate rules — amendment — adoption — suspension. (1) A motion to amend or adopt a rule of the Senate must be referred to the Rules Committee without debate. A rule of the Senate may be amended or adopted only with the concurrence of a majority of the Senate and after 1 day’s notice.

(2) A rule may be suspended temporarily by a two-thirds vote.

CHAPTER 7

Nominations from the Governor

S70-10. Nominations. (1) The Governor shall nominate and, by and with the consent of the Senate, appoint all officers whose offices are established by the Montana Constitution or which may be created by law and for whom appointment or election is not otherwise provided.

(2) If during a recess of the Senate a vacancy occurs in any office subject to Senate confirmation, the Governor shall appoint some fit person to discharge the duties of the office until the next meeting of the Senate, when the Governor shall nominate a person to fill the office.

S70-20. Introduction and first reading of nominations. (1) Nominations received from the Governor must be:

(a) received by the President;
(b) delivered to the Secretary of the Senate;
(c) read under Order of Business No. 4, messages from the Governor; and
(d) referred to committee. The President of the Senate may refer any individual nomination contained in a list received from the Governor to any standing committee.

(2) The procedure in subsection (1) constitutes introduction and first reading of the nominations.

(3) The Secretary shall distribute a copy of the list of nominations to each Senator.

S70-30. Committee process — preliminary reports — separate consideration. (1) (a) The committee shall research each nominee and may request biographical information from the Governor for each nominee if none has been provided.

(b) The committee chair shall submit a bill draft request on behalf of the committee for a simple resolution to include the nominee submitted to the committee or a group of nominees, the group of nominees being specified by the committee chair. These bill draft requests will not count against any bill draft request limit imposed on members. When the resolution has been prepared and introduced, the committee shall hold a hearing on the resolution after appropriate public notice has been given.

(2) Following the hearings for a group of nominees, the committee shall issue preliminary standing committee reports to be distributed to each Senator, stating the committee’s recommendations concerning the nominees. A preliminary standing committee report is not required for a resolution for a single nominee pursuant to subsection (5).

(3) (a) If a Senator wishes to have an individual nominee or group of nominees considered by the Senate separately from the group of nominees recommended by the committee, the Senator may request of the chair of the committee that the nominee or nominees be considered by a separate resolution.

(b) A Senator shall request separate consideration of a nominee within 3 days of receipt of the preliminary standing committee report. The committee chair shall honor this request.

(4) After waiting 3 days from the day of distribution of the preliminary standing committee report, the committee chair shall issue a final standing committee report and deliver the report to the Secretary of the Senate.

(a) If a nominee is to be separated from the resolution, the final standing committee report must include an amendment deleting that nominee.

(b) When a nominee has been separated at the request of a Senator or when a single nomination has been submitted to a committee, the committee chair shall submit a bill draft request on behalf of the committee for a simple resolution to include only the single or separated nominee. When the resolution has been prepared and introduced, the committee shall take executive action on the resolution. When a hearing on the separated nomination was held prior to the committee’s preliminary standing committee report, an additional hearing is not required to be held before the committee takes action on the separate resolution. After the committee’s executive action, the committee chair shall issue a standing committee report.
(5) If a resolution contains only one nominee, the committee shall dispense with the preliminary standing committee report and shall issue a final standing committee report to be distributed to each Senator stating the committee’s recommendation concerning the nominee.

(6) The Secretary will read the reports under Order of Business No. 2, reports of standing committees.

(7) After the report has been read, the resolution must be placed on Order of Business No. 11 the next legislative day for consideration by the Senate. Motions to approve or disapprove of the resolution are in order and may be debated.

Appendix A

List of Questions Requiring Other Than a Majority Vote

The following questions require the vote specified:

(1) a call of the Senate with a quorum pursuant to S50-220(2) (five Senators);
(2) a motion to lift a call of the Senate pursuant to S50-220(4) (two-thirds of the members present);
(3) a motion to amend or suspend rules pursuant to S60-10 (two-thirds);
(4) a motion to override the Governor’s veto pursuant to S50-250 and Article VI, section 10(3), of the Montana Constitution (two-thirds);
(5) a motion to approve a bill to appropriate the principal of the coal trust fund pursuant to Article IX, section 5, of the Montana Constitution (three-fourths of each house);
(6) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of the Montana Constitution for purposes other than those described in that section (three-fifths of each house);
(7) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature);
(8) an appeal of the ruling of the presiding officer pursuant to S20-10 (one Senator, seconded by two other Senators);
(9) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds);
(10) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant to Article XII, section 4, of the Montana Constitution (two-thirds); and
(11) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths).
HOUSE RULES
CHAPTER 1
Administration

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) being the lead speaker for the majority party during floor debates;

(2) helping the Speaker develop the calendar;
H10-60. Majority Whip. The duties of the majority whip may include but are not limited to:

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

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

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

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

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

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

(2) The Speaker shall employ necessary staff or delegate that function to the employees designated in subsection (1).

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

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

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

(1) supervise all House employees;
(2) have custody of all records and documents of the House;
(3) supervise the handling of legislation in the House, the House journal, and other House publications; deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and all original House bills and joint resolutions; collect minutes and exhibits from all House committees and subcommittees and arrange to have them printed on archival paper and copied in an electronic format within a reasonable time after each meeting. An electronic copy will be provided to the Legislative Services Division and the State Law Library of Montana. The archival paper copy will be delivered to the Montana Historical Society.

H10-110. Duties of Sergeant-at-Arms. The Sergeant-at- Arms shall:
(1) under the direction of the Speaker and the Chief Clerk, have charge of and maintain order in the House, its lobbies, galleries, and hallways and all other rooms in the Capitol assigned for the use of the House;

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

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

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

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

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

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

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

(9) supervise the doorkeeper; and

(10) supervise the pages.

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

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

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

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

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

H10-140. House journal. (1) The House shall keep a journal, which is the official record of House actions (Montana Constitution, Art. V, Sec. 10). The journal must be prepared under the direction of the Speaker.

(2) Records of the following proceedings must be entered on the journal:

(a) the taking and subscription of the constitutional oath by representatives (Montana Constitution, Art. III, Sec. 3; 5-2-214);

(b) committee reports;

(c) messages from the Governor;

(d) messages from the Senate;

(e) every motion, the name of the representative presenting it, and its disposition;

(f) the introduction of legislation in the House;

(g) consideration of legislation subsequent to introduction;

(h) on final passage of legislation, the names of the representatives and their vote on the question (Montana Constitution, Art. V, Sec. 11);

(i) roll call votes; and
(j) upon a request by two representatives before a vote is taken, the names of the representatives and their votes on the question.

(3) The Chief Clerk shall provide to the Legislative Services Division such information as may be required for the publication of the daily journal.

(4) Any representative may examine the daily journal and propose corrections. The Speaker may direct a correction to be made when suggested subject to objection by the House.

(5) The Speaker shall authenticate the House journal after the close of the session (section 5-11-201, MCA).

(6) The Legislative Services Division shall publish and distribute the House journal (sections 5-11-202 and 5-11-203, MCA). The title of each bill must be listed in the index of the published session journal.

**H10-150. Votes recorded and public.** Every vote of each representative on each substantive question in the House, in any committee, or in Committee of the Whole must be recorded and made public (Montana Constitution, Art. V, Sec. 11).

**H10-160. Duration of legislative day.** A legislative day ends either 24 hours after the House convenes for that day or at the time the House convenes for the following legislative day, whichever is earlier. (See Joint 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; 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 is prohibited from lobbying, although a legislative committee may request testimony from a person so restricted.

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

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

H20-80. Violation of rules — procedure — appeal. (1) If a member, in speaking or otherwise, violates the rules of the House, the Speaker shall, or the majority or minority leader may, call the member to order, in which case the member called to order must be seated immediately.
(2) The member called to order may move for an appeal to the House and if the motion is seconded by two members, the matter must be submitted to the House for determination by majority vote. The motion is nondebatable.

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

(4) If a member is called to order, the matter may be referred to the Rules Committee by the majority or minority leader. The Committee may recommend to the House that the member be censured or be subject to other action. The House shall act upon the recommendation of the Committee.
CHAPTER 3
Committees

H30-10. **House standing committees — appointments — classification.** (1) The Speaker shall determine the total number of members and after good faith consultation with the minority leader shall appoint the chairs, vice chairs, and members to the standing committees.

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

(a) class one committees:
   (i) Appropriations;
   (ii) Business and Labor;
   (iii) Judiciary;
   (iv) State Administration; and
   (v) Taxation;

(b) class two committees:
   (i) Education;
   (ii) federal Relations, Energy, and Telecommunications;
   (iii) Human Services;
   (iv) Natural Resources; and
   (v) Transportation;

(c) class three committees:
   (i) Agriculture;
   (ii) Fish, Wildlife, and Parks; and
   (iii) Local Government; and

(d) on call committees:
   (i) Ethics;
   (ii) Rules; and
   (iii) Legislative Administration.

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

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

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

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

(7) The Speaker may, in the Speaker’s discretion or as authorized by the House, create and appoint select committees, designating the chairman and vice chairman of the select committee. Select committees may request or receive legislation in the same manner as a standing committee and are subject to the rules of standing committees.
H30-20. Chairman's duties. (1) The principal duties of the chairman of standing or select committees are to:

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

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

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

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

H30-40. Meetings — purpose — notice — minutes. (1) All meetings of committees must be open to the public at all times, subject always to the power and authority of the chairman to maintain safety, order, and decorum. The date, time, and place of committee meetings must be posted.

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

(a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;
(b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or
(c) a work session at which the committee may discuss bills, resolutions, or other matters but take no formal action.

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

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

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

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

(a) the time and place of each meeting of the committee;
(b) committee members present, excused, or absent;
(c) the names and addresses of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;
(d) all motions and their disposition;
(e) the results of all votes;
(f) references to the recording log, sufficient to serve as an index to the original recording; and
(g) testimony and exhibits submitted in writing.

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

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

(3) (a) Subject to subsection (3)(b), the committee shall act on each bill in its possession:
   (i) by reporting the bill out of the committee:
      (A) with the recommendation that it be referred to another committee;
      (B) favorably as to passage; or
      (C) unfavorably; or
   (ii) by tabling the measure in committee.
   (b) At the written request of the sponsor, a committee shall finally dispose of a bill without a hearing. A bill may not be reported from a committee without a hearing.

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

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

(6) In reporting a measure out of committee, a committee shall include in its report:
   (a) the measure in the form reported out;
   (b) the recommendation of the committee;
   (c) an identification of all substantive changes; and
   (d) a fiscal note, if required.

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

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

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

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

(11) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.
(12) A committee may reconsider any action as long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

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

(14) The chairman shall decide points of order.

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

(a) to participate freely in committee discussions and debate;
(b) to offer motions;
(c) to assert points of order and privilege;
(d) to question witnesses upon recognition by the chairman;
(e) to offer any amendment to any bill; and
(f) to vote, either by being present or by proxy if authorized pursuant to subsection (9), using a standard form or through the vice chairman or minority vice chairman.

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

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

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

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

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

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

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

(5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chairman may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is allowed only at the discretion of the chairman.
CHAPTER 4  
Legislation

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

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

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

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

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

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

H40-40. Introduction — receipt — messages from Senate and elected officials. (1) During a session, proposed House legislation may be introduced in the House by submitting it, endorsed with the signature of a representative as chief sponsor, to the Chief Clerk for introduction. Except for the first 15 bill numbers that may be reserved for preintroduced legislation, in each session of the Legislature, the proposed legislation must be numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed legislation constitutes introduction.

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

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

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

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

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

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

(2) Legislation may not receive final passage and approval unless it has been referred to a House committee, joint select committee, or joint special committee.
H40-80. Rereferral — Appropriations Committee rereferral — normal progression. (1) Except as provided in subsection (2), legislation that is in the possession of the House and that has not been finally disposed of may be rereferred to a House committee by House motion approved by not less than three-fifths of the members present and voting.

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

(b) (i) With the consent of the majority leader, the minority leader, and the bill sponsor, legislation that has passed second reading in the Committee of the Whole and that has been rereferred to the Appropriations Committee pursuant to H40-80(2)(a) and is reported from committee without amendments may be placed on third reading.

(ii) Prior to being placed on third reading, legislation rereferred pursuant to H40-80(2)(b)(i) must be sent to be processed and reproduced as a third reading version and specifically marked as having been passed on second reading and rereferred to the House Appropriations Committee and reported from the committee without amendments.

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

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

H40-100. Standing committee reports — requirement for rejection of adverse committee report. (1) A House standing committee recommendation of “do pass” or “be concurred in” must be announced across the rostrum and, if there is no objection to form, is considered adopted.

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

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

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

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

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

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

(3) Legislation must be posted immediately (as soon as it is received appropriately printed) on the consent calendar and must remain there for 1 legislative day before consideration under Order of Business No. 11, special orders of the day. At that time, the presiding officer shall announce consideration of the consent calendar and allow “reasonable time” for questions and answers upon request. No debate is allowed.
(4) If any one representative submits a written objection to the placement of legislation on the consent calendar, the legislation must be removed from the consent calendar and added to the regular second reading board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) recommend passage or nonpassage;
(b) recommend concurrence or nonconcurrence (Senate amendments to House legislation);
(c) amend;
(d) reconsider as provided in H50-170;
(e) pass consideration;
(f) call for cloture;
(g) change the order in which legislation is placed on the agenda; and
(h) rise, rise and report, or rise and report progress and beg leave to sit again.

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

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

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

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

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

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

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

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

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

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

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

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

(5) Following completion of the debate on each section, that section is closed and may not be reopened
except by majority vote.
(6) If a member moves to reopen a section for amendment, only the amendment of that member may be entertained. Another member wishing to amend the same section shall make a separate motion to reopen the section.

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

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

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

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

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

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

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

H40-220. Senate amendments to House legislation. (1) When the Senate has properly returned House legislation with Senate amendments, the House shall announce the amendments on Order of Business No. 4, and the Speaker shall place them on second reading for debate. The Speaker may rerefer House legislation with Senate amendments to a committee for a hearing if the Senate amendments constitute a significant change in the House legislation. The second reading vote is limited to consideration of the Senate amendments.

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

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

H40-230. Conference committee reports. (1) When a House conference committee files a report, the report must be announced under Order of Business No. 3.

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

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

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

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

H40-240. Enrolling. (1) When House legislation has passed both houses, it must be enrolled within 48 hours under the direction of the Speaker. The Speaker may grant additional time for enrolling.
(2) The chief sponsor of the legislation shall examine the enrolled legislation and, if it has no enrolling errors, shall, within 1 legislative day, certify the legislation as correctly enrolled.

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

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

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

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

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

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

(2) On any legislative day, a representative may move to override the Governor’s veto by a two-thirds vote under Order of Business No. 9.
CHAPTER 5

Floor Actions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) communications and petitions;
(2) reports of standing committees;
(3) reports of select committees;
(4) messages from the Senate;
(5) messages from the Governor;
(6) first reading and commitment of bills;
(7) second reading of bills;
(8) third reading of bills;
(9) motions;
(10) unfinished business;
(11) special orders of the day; and
(12) announcement of committee meetings.

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

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

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

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

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

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

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

(2) The following motions are nondebatable:

(a) to adjourn pursuant to H50-250;

(b) for a call of the House;

(c) to recess or rise;

(d) for parliamentary inquiry;

(e) to table or take from the table;

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

(g) to amend a nondebatable motion;

(h) to divide a question;

(i) to suspend the rules;

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

(k) to appeal a call to order;

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

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

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

**H50-110. Amending motions — limitations.** (1) A representative may move to amend the specific provisions of a motion without changing its substance.
(2) No more than one motion to amend a motion is in order at any one time.

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

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

(a) to adjourn (nondebatable H50-90 and H50-250);
(b) for a call of the House (nondebatable H50-90);
(c) to recess or rise (nondebatable H50-90);
(d) for a question of privilege;
(e) to table (nondebatable H50-90);
(f) to call for the previous question or cloture;
(g) to postpone consideration to a day certain;
(h) to refer to a committee; and
(i) to propose amendments.

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

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

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

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

**H50-140. Dividing a question.** Except as provided in H40-180(3), a representative may request to divide a question as a matter of right if it includes two or more propositions so distinct that they can be separated and if at least one substantive question remains after one substantive question is removed. The request is nondebatable under H50-90. The presiding officer may rule that a question is nondivisible. The ruling of the chair may be appealed as provided in H50-160(15) or (17) and H70-50. For an appeal of a ruling of the presiding officer, the question for the house must be stated as, “Shall the ruling of the chair be upheld?”.

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

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

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

100 House Members

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

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

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

(4) a motion to approve a bill to authorize creation of state debt pursuant to Article VIII, section 8, of the Montana Constitution (two-thirds);
(5) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths);

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

Members Present and Voting

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

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

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

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

(5) a motion to withdraw a bill from a committee pursuant to H40-90 (three-fifths);

(6) a motion to add legislation to the second or third reading agenda on that day pursuant to H40-130(2) (three-fifths);

(7) a motion to remove legislation from its normal progress through the House as provided under H40-80(3) and reassign it unless otherwise specifically provided by these rules, such as H40-80(2) (three-fifths);

(8) a motion to change a vote pursuant to H50-210 (unanimous);

(9) a motion to call for cloture pursuant to H40-170(2) (two-thirds);

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

(11) a motion to amend rules pursuant to H70-10(2) or suspend rules pursuant to H70-30 (two-thirds);

(12) a motion to overturn an adverse committee report pursuant to H40-100(2) (three-fifths);

(13) a motion to record a vote pursuant to H50-200(2) (one representative);

(14) a motion to record a vote in the journal (two representatives);

(15) an appeal of the ruling of the presiding officer pursuant to H20-20(1) or H20-80(2) (three representatives);

(16) a motion to speak more than once on a debatable motion pursuant to H50-80(1) (unanimous vote);

(17) a motion to appeal the presiding officer’s interpretation of the rules to the House Rules Committee pursuant to H70-50 (15 representatives).

Entire Legislature

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

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

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

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

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

(5) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the same rules.
A motion for reconsideration is not in order on a vote to postpone to a day certain or to table legislation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A motion to adjourn for a legislative day must specify a date and time for the House to convene on the subsequent legislative day.
H50-250. Adjournment sine die. Subject to Article V, section 10(5), of the Montana Constitution, a representative may move that the House adjourn for the session. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.
CHAPTER 6

Motions

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

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

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

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

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

(a) to adjourn;
(b) for a call of the House;
(c) to recess or rise;
(d) for a question of privilege;
(e) to table or take from the table;
(f) to call for the previous question or cloture;
(g) to postpone consideration to a day certain;
(h) to refer or rerefer; and
(i) to propose amendments.

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

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

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

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

(2) A motion to adjourn sine die pursuant to H50-250 is subject to Article V, section 10(5), of the Montana Constitution.
(3) The vote by which a motion to adjourn or recess is carried or fails is not subject to a motion to reconsider.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) changing a vote, “Mister Speaker, I would like my vote changed on House Bill ___/Senate Bill ___ from (yes/no) to (yes/no). The question on the bill was ( ) with a vote tally of ____ for and ____ against.”

(6) question another representative, “Mister/Madam Speaker/Chairman, would Representative ___ yield to a question?”
CHAPTER 7

Rules

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

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

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

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

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

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


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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Rules:** House rules; joint rules; legislative procedure; jurisdictions of committees; and rules of decorum.
State Administration: Administrative rules; arts and antiquities; ballots; elections; initiative and referendum procedures; military affairs; public contracts and procurement; public employee retirement systems; state buildings; state employees; state employee benefits; state equipment and property, except state lands and state parks; state government generally; state-owned libraries other than the state law library; veterans; and voting.

Taxation: Taxes other than fuel taxes.

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

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

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

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

(4) If a committee chair upon consultation with the vice chair determines that the committee cannot effectively process all bills assigned to the committee because of time limitations, the chair shall, in writing, request the Speaker to reassign specific bills. The Speaker shall reassign the bills to an appropriate committee. The reassignments must be announced to the House. The reassignments do not require action or approval by the House, but may be overturned by a three-fifths vote.
Adjournment, 10-40
  call of the house lifted by, H50-30, H50-40
  consent of other chamber required, when 10-40, 20-10
day to day, S50-10
floor admittance before or after, S20-50
legislative day, for, H50-240
lobbying limitations, H20-30
motion to adjourn, See Motions
quorum, without, H50-20
sine die, H50-250, H60-40

Administrative Rules—legislation requesting or advising adoption, amendment, or repeal, 40-50, 40-60
transmittal deadline, 40-200

Agenda, See also Calendar: Consent calendar
  change order of placement on, motion to, S50-160, H40-160
  second and third readings, S40-60, H10-20, H40-190
    add legislation, motion to, H40-130, H50-160
    amendment or addition to, H10-20, H40-130
    consent calendar legislation, H40-110

Agriculture, Committee on, 30-70, H30-10, H(Appendix)
Agriculture, Livestock, and Irrigation—Committee on, 30-70, S30-20

Aides, See Legislative aides

Amendments
  agendas, H10-20, H40-130
  bill drafting manual, conformance, 10-120, H40-150
  clerical errors, correction, 10-120
  Committee of the Whole, 40-150, S50-150, H40-140, H40-150, H60-110
    consideration, S50-140, H40-150
    governor’s recommendations for amendments, applicability, 40-230
    preparation of, S50-150, H40-150
  committees, by, 40-120, 40-140, 40-150, S30-70, H30-50, H40-100
  conference committees, 30-30, 40-170, H40-220
  constitutional, See Constitution, Montana—amendments; Constitution, United States—amendments
  engrossed bills, inclusion, 40-150
  “engrossing” defined, 10-120, H40-190
  existing statutes, 10-130, 40-80, 40-160
  fiscal note requirements, 40-100
  general appropriations bill, H40-180
  governor’s recommendations for, 40-230, S50-240, H40-250
  journal entry, S10-170, S50-150
  motions for, See Motions
  preparation of, S50-150, H40-150
  previous question, call for—effect, S50-80
  prohibited when, 40-170, S40-40, H50-20
  purpose of bill, change by—prohibited, 40-90
  question the lack of quorum, prohibited, H50-20
  recede from, second house requested to, H40-220
  recording of text of proposed amendments, 10-150
  rejection, 40-170, S50-150, S50-240, H40-150, H40-220, H40-250
  rules
    house, 60-10, H40-20, H50-160, H70-10
    joint, 40-60, 60-10
    senate, 60-10, S40-10, S60-10, S-Appendix A
  second house, by, 40-150, 40-170, S50-110, S50-230, H40-200, H40-220, H60-110
  second reading
    incorporation into printed copy, 40-140
    second house amendments, 40-150, S50-230
    segregated legislation, H40-140
  striking out all material following enacting clause, amendment by, 40-120
  striking out and inserting words, amendment by, 10-130
  enrolling procedure, 40-160
  errors, correction, 10-120
  substitute bills as, 40-120
  third reading of bills
    amendments prohibited, S40-40, H40-200
    second house amendments, 40-150, 40-170, S50-110, S50-230, H40-200, H40-220
    transmittal deadline, 40-200
    votes on, 40-170, S50-150, H40-220

Amendments coordinator, responsibilities, 10-120, H40-150
Appeals
- call of member to order, S20-20, H20-80, H50-90
- committee chairman’s decisions on questions of order, H30-20
- dilatory motions or questions, decision concerning, H20-50
- order and privilege, questions of, S20-10, H20-20
- parliamentary inquiries, responses to—no appeal, H20-20
- presiding officers
  - decision of, S50-60
  - rules, interpretation of, H50-160
  - ruling by, S-Appendix A, H50-160
- previous question, call for—effect, S50-80
- recognition of member to speak—decision concerning, no appeal, H20-10, H20-20
- rules
  - committee on—decisions by, H70-50
  - interpretation of, H50-160, H70-50
  - violation of, S20-20
  - ruling on dividing a question, H50-140

Appropriation bills
- amendments
  - general appropriations bill, to, H40-180
  - transmittal deadline, 40-200
- committee consideration of general, 30-50
- consent calendar, exception, H40-110
- fiscal notes, nonapplicability, 40-100
- fund transfers not, 40-200
- general appropriation act, bills implementing provisions
  - drafting request deadline, 40-50
  - transmittal deadline, 40-200
- general appropriations act, reduction in specific appropriation for bill reducing revenue, 40-180
- general appropriations bill, consideration, 30-50
  - debate, questions, and amendment, H40-180
  - introduction, 40-20, 40-50
  - senate, prohibited in, S40-10
  - line item veto, 40-210
- origin, house of, 40-20
- policy and appropriation, bills dealing with—referral and rereferral, H40-80, H(Appendix)
  - transmittal deadline, 40-200
- Appropriation of public funds for public purpose, statutes for—effective date, 40-30
- Appropriation required for bills requesting interim studies, 40-65
- Appropriations, Committee on, H30-10, H(Appendix)
  - appropriation bills, consideration, 30-50
  - chair, 30-50, H40-180
  - legislature, appropriation bills for operation—introduction, 40-20
  - general appropriations bill, debate—special provisions, H40-180
  - interim committees, selection, 30-70
  - policy and appropriation, bills dealing with—referral and rereferral, H40-80, H(Appendix)
  - rereferral to, H40-80
  - subcommittees, 30-50, H30-10, H40-180
- Arrest of members, S50-220
- Attendance, S10-100, S10-120, H10-60, H10-80
  - of members compelled, S50-10, S50-220, H10-60, H10-80, H50-10—H50-30

B

Backed bills, 10-130, 40-40
- Bills, See specific subject entries in this index
- Bill status system, S40-20
- Blue-colored bills, 40-150
- Budget Director, fiscal note requirements, 40-100
- Budgets, S10-80, H(Appendix)
- Business
  - committee, quorum may transact, S30-40, H30-30
  - obstruction, dilatory motions or questions, H20-50
  - order of, See Order of business
  - pass business in Committee of the Whole, S50-60
  - pass to a new order of, S50-20
  - quorum, without—conduct prohibited, H40-160, H50-20
  - revert to a new order of, S50-20
    - reports, signing of, S30-50
Business (continued)
suspended during
call of the house, H50-30, H50-40
call of the senate, S50-220
unfinished, S50-20, H50-60

Business and Labor, Committee on, H30-10, H(Appendix)
Business, Labor, and Economic Affairs—Committee on, 30-70, S30-20
“By Request Of” line, 40-40, H40-40

Calendar. See also Agenda: Consent calendar
approval, S10-50, S10-140
communications, inclusion, S20-60
conference committee reports, S50-130
development of, S10-90, H10-50
third reading, 40-150, H40-190

Called to order, members, S20-20, H20-80, H50-90

Call of the House
committee meetings during house session, members subject to, H30-40
dilatory motions, nonapplicability, H20-50
excused absence not leave with cause when, H50-10
leave with cause, H50-40, H50-50
lifted when, H50-30, H50-40
motions, See Motions
motion to lift, H50-160
quorum
with, H50-40, H50-160
without, H40-160, H50-30
remove, motion to, H50-30, H50-40
sergeant-at-arms, duty, H10-110
table, motion to—prohibited, H50-190

Call of the Senate, S50-220
committee meetings during senate session, members subject to, S30-60
committee reports not allowed, S50-120
lift, motion to, S-Appendix A
motions, See Motions
previous question ordered, call not in order, S50-80
quorum
order for, S50-220
with, S-Appendix A
remove the call, motion to, S50-220

Cancelled bills—deadline missed, 40-50

Caucuses, S10-90—S10-120, H10-50—H10-70
nomination and election of officers, S10-70, S30-20, H10-10
presiding officer or principal leader of, S10-90, S10-110, H10-50, H10-70

Cell phone use, S30-80, H30-60

Censure, 10-85, S20-20, H20-80, See also Discipline of

Chaplains, S50-20, H10-90, H50-60

Chief Clerk of the House, H10-100
appointment of, H10-90
clerical corrections, notification and objection, 10-120
committees, responsibilities, H10-90, H10-100, H30-20
harassment violations reported to, 10-85
introduction, legislation submitted for, 40-85
journal, responsibilities, H10-100, H10-140
messages from other house or elected officials, H40-40
publication of committee appointments, responsible for, H30-10
resolutions, responsibilities, 40-60, H10-100, H40-20
rules, amendments to—responsibility, 60-10
rules, committee on—minutes and reports, responsibility, 60-10
secretaries, supervision, H10-90
sergeant-at-arms, direction, H10-110
sponsor forms filed with, H40-30
transmittal of legislation or other matters, receipt for, 40-190, H40-40, H40-50
votes, recording, H50-200

Children, Families, Health, and Human Services Interim Committee, 30-70

Clerk of the Supreme Court, signed copies of enrolled bills filed with, 40-160

Coal severance tax trust fund, motion to approve bill to appropriate principal, S-Appendix A, H50-160
Code Commissioner bills, 40-40
Color of paper indicates status of bill, 40-140, 40-150, See also specific color
Committee of the Whole, See also Second reading of bills
  amendments to legislation, 10-150, 40-150, S50-150, H40-140, H40-150, H60-110
  consideration, S50-140, H40-150
  governor’s recommendations for, applicability, 40-230
  preparation of, S50-150, H40-150
  call of the house prohibited, H40-160, H50-40
  chair
    appointment, S50-140
    order during proceedings, S10-150
    voting methods, S50-180
  conference committee reports, S50-120, S50-140, H40-20, H40-140
  debate, limitations on, H40-170, H40-180
  disorder, reporting, S50-170
  formation and functions, S50-140, H40-140
  motions, See Motions
    pass business, motion to, S50-60
    quorum
      failure to have, H40-160
      what constitutes, S50-10
  reconsideration action, S30-130, H40-150
  reports, 40-150, S50-120, S50-140, H40-20, H40-140
  resolutions, house—final passage, determination, H40-20
  second reading, See Second reading of bills
  segregated legislation, H40-140
  standing committee, report of bills to, S30-60
  statement of intent, See Statement of intent
  subcommittees, appointment prohibited, S50-170
  votes, recording and public record, 10-150, H10-150
Committees, Committee on—composition and appointment of committees, S30-10
Committees, generally, 30-10—30-60, S30-10—S30-160, H30-10—H30-60, See also specific committee
  absentee or proxy votes, authorization, S30-70, S30-100, H30-50
  amendments to legislation, by, 40-120, 40-140, 40-150, S30-70, H30-50, H40-100
  appointments to, S30-10
  chair/chairman
    business reports, signing of, S30-50
    cell phone use at discretion of, S30-80, H30-60
    duties, S30-20, S30-50—S30-80, H30-20, H30-40—H30-60
    governor's nominations for appointments, S70-30
    hearing notices, dissemination, S30-60
    introduction of committee legislation, S30-150
    joint committees, 30-10, 30-50
    rereferral of bills, request for—when, H(Appendix)
    secretaries of committees, authority, S10-130, H10-90
    sponsor of bill, principal, 10-120
  classification of, S30-30, H30-10
  class of committee, conflict of subjects between, H(Appendix)
  consideration, required, S30-60
  consolidation of bills, S30-70, H30-50
  cosponsors, adding to legislation, H40-30
  disposal of bill in, S90-70, H30-50
  drafting requests, 40-40, 40-50, S30-150, H30-50
  executive action, S30-50, S30-60, S70-30
  fiscal note requirements, 40-100
  general appropriation act provisions, bills to implement, 40-50
  governor’s nominations for appointments, S70-20, S70-30
  harassment violations reported to statutory committees, 10-85
  hearings, See Hearings
  indefinitely postponing measures, S50-110
  interim committees, 30-70, 40-40
  introduction of legislation by, 40-40, 40-50, S30-150, H30-50
  joint committees
    appointments to, S30-10
    appropriation bills, consideration, 30-50
    bills heard in, referral, S30-60
    chair of committee, 30-10, 30-50
    executive action required on bills heard in, S30-60
    referral of bills to, H40-70
    requests for legislation, 40-40, 40-130, 40-140
    voting in, 30-20
Committees, generally (continued)

majority leader of house as ex officio nonvoting member, H30-30
majority leader of senate as ex officio nonvoting member, S30-40
meetings, S30-60, H30-10, H30-20, H30-40, H30-50
announcement, order of business, S50-20, H50-60
business reports reflecting action taken, S30-50
notice requirements, S30-60, H30-40
quorum, S30-40, H30-30
schedules, S30-20, H30-10
membership, change—notice, S30-10
minority leader of house as ex officio nonvoting member, H30-30
minority leader of senate as ex officio nonvoting member, S30-40
minutes and exhibits, S10-130, S30-50, S30-60, H30-20, H30-40
chief clerk of the house, duties, H10-100
contents, S30-60, S30-70, H30-40
votes, absentee or proxy—authorization noted, S30-100, H30-50
votes, entry, 10-150
motions offered in, S30-70, H30-50
pairing of votes, S50-210
presiding officer, chair as, S30-50
privileges of committee members, S30-70, H30-50
procedures, S30-70, H30-50
questions, submission as definite proposition, H60-10
quorum, S30-40, H30-30
recommendation requirements, S30-70, H30-50
reconsideration of previous action, S30-70, S30-140, H30-50
not allowed when, S50-120
records, S30-80, H30-60
referral of legislation to committee
consent to take up, H30-50
first reading, prior to, S40-20, H40-40, H40-50
governor’s nominations for appointment, S70-20
motion for, S50-50, H50-120, H60-30, H60-70
preintroduced legislation, S40-20
president of the senate, by, S10-50, S50-230
progression through house, H40-80
requesting committee, to, S30-150
required, S30-60, H40-70, H(Appendix)
rerefer, S30-60, S40-60, S50-190, H30-50, H40-80, H(Appendix)
resolutions, house, H40-20
second house, by, 40-190, S50-230, H40-40, H40-50, H40-70
speaker of the house, by, H(Appendix)
sponsor’s fiscal note rebuttal, 40-110
reports, See Reports of committees
rerefer, motion to, H40-80, H50-160, H60-30
rereferal of legislation to, S30-60, S40-60, S50-190, H30-50, H40-80, H40-140, H40-220, H(Appendix)
revenue bills, drafting request deadline, 40-50
rooms, S30-50, S30-80, H30-60
scheduling of, meetings, S30-20, H30-10
secretaries, S10-130, S30-80, H10-90
select committees, See Select committees
speaker of the house as ex officio, nonvoting member, H30-30
special committees, 40-40, 40-130, 40-140, S30-10, H40-70
sponsors of bills, committees as, S30-150
standing committees, See Standing committees
subcommittees, See Subcommittees
substitute bills, recommendation, 40-120
supervision of work, S30-50
tabling of measures, 10-140, S30-70, S50-110, H30-50
testimony, S30-50—S30-80, H20-60, H30-40, H30-60
votes
absentee or proxy, authorization, S30-70, S30-100, H30-50
members, privilege, S30-70, H30-50
pairing of, prohibited when, S30-100
recording and public record, 10-150, S30-70, H10-150, H30-50
rereferrals, overturning—requirements, H(Appendix)
requests for drafting or introduction of legislation, requirement, S30-150, H30-50
tie votes, H30-50
withdraw legislation from, S40-60, H30-50
motion to, H40-90, H50-160
placement on second reading, H40-140
witness must register, S30-80, H30-60
Communications and petitions, S20-60
order of business, S50-20, H50-60

Compensation
preparation and certification of payroll, 10-100
signing of payrolls, 10-100, S10-50, H10-20
unexcused absence, effect, S50-220

Conduct of members
Committee of the Whole, discipline prohibited, S50-170
conflict of interest, disclosure, 10-60
questions of order and privilege, H20-20
questions of privilege, S20-30
speaker of the house, authority, H10-20

Conference committees, 30-30
appointment, 30-30, S30-10, S50-230, H40-220
dissolving, S50-130, H40-230
free conference committees, 30-30, 40-230
hearings, notice requirements, S30-60
reports, 30-30, 30-40, S50-130, H40-220
requests for, 30-30, 40-170, 40-230, S50-230, H40-220
scope of, 30-30
voting in, 30-20

Conflict of interest, disclosure, 10-60, H50-200

Consent calendar, H40-110
committee recommendation for placement on, H30-50, H40-110

Consent for adjournment or recess, 20-10

Consolidation of bills, S30-70, H30-50

Constitution, Montana—amendments
governor, veto or signature not required, 40-10, 40-210
motion to approve bill proposing, S-Appendix A, H50-160
proposal, 40-10
tabling by committee, 10-140
vote requirements, 10-140, S50-110

Constitution, United States—amendments
governor’s signature not required, 40-210
resolutions to ratify or propose, 40-60

Copies of bills, number required
enrolling, 40-160
introduced bills, S40-20, H40-40

Corrections
clerical, 10-120, 40-160
journal errors, 10-160, S10-170, H10-140
reference bills, 30-40
vote errors caused by malfunction of voting system, S50-200, H50-210

Cosponsors, 40-40, S30-70, S40-30, H30-50, H40-30, See also Sponsors, bill

Day, legislative, See Legislative day

Deadlines, See also Time
appropriation act, general—bills implementing provisions
drafting requests, 40-50
transmittal, 40-200
appropriation bills and bills implementing provisions of general appropriation bills, transmittal, 40-200
clerical corrections, filing of objections, 10-120
committee legislation, drafting requests, 40-50
drafting requests, 40-40, 40-50
engrossing, 10-120, H40-190
enrolling, 10-120, H40-240
fiscal notes, 40-100
sponsor's fiscal note rebuttal, 40-110
governor
enrolled bills, transmittal to, 40-160
signing or veto of bills, 40-210
introduction of legislation, 40-40 40-50, H40-10
preintroduction of legislation, 40-40, H40-10
resolutions
drafting requests, 40-40, 40-50
introduction, 40-50
Deadlines (continued)

- revenue bills
  - drafting requests, 40-50
  - transmittal, 40-200, S40-20
- committee hearing notice requirements, applicability, S30-60
- governor, enrolled bills to, 40-160

Debate, See also Speaking limitations

- adverse committee reports, H40-100
- asking questions of members in, H50-100
- close to order, senator having been, S20-30
- committee members, S30-70, H30-50
- cloture, motion to call for, H40-160, H40-170, H50-90, H50-120, H50-160, H60-20, H60-30
- conference committee reports, H40-230
- consent calendar consideration, prohibited, H40-110
- close, to, H40-170, H50-150
- first reading, not in order, S40-20, H40-50
- general appropriations bill, H40-180
- governor
  - amendments, recommendations for, S50-240, H40-250
  - nominations for appointments, resolutions for—motions to approve or disapprove, S70-30
  - house amendments to senate legislation, S50-230
  - lead speaker during, majority leader as, S10-90, H10-50
  - limits on, S50-30, S50-60, S50-80, H40-170, H40-180, H50-80, H50-90, H60-20
- motions, See Motions
- postpone to a day certain, motion to—subject of, not debatable, H60-60
- predetermined amount of time and number of speakers, allocation, H40-170
- previous question, call for or adoption of motion for—debate closed, S50-80, H50-150
- question debatable on which there has been no debate, debate when previous question ordered for, S50-80
- refer or rerefer, motions to—subject of, not debatable, H60-60
- rules, senate—motion to amend or adopt, not required, S60-10
- senate amendments to house legislation, H40-220
- speak more than once, H50-80, H50-160
- speak more than twice, S50-30
- third reading, on—prohibited, H40-200
- words spoken, member called to order for, S20-20

Decorum, S20-10, S20-20, H20-10—H20-80

- committee meetings, S30-60, H30-40
- employees, complaints concerning, 10-80, S10-80
- president of the senate, authority, S10-50
- presiding officer’s discretion on issues, 10-50
- speaker of the house, authority, H10-20

Discipline of

- employees, 10-80, 10-85, S10-80, H20-60
- harassment offenders, 10-85
- house members, H20-80
- senate members, S20-20, S50-170

Disorderly conduct, S10-50, S30-80, S50-170, H10-20, H30-60

Disruption of proceedings, S10-50, S30-80, S50-170, H10-20, H30-60

Doorkeeper, supervision, H10-110

Drafting of legislation

- appropriation bills, 40-50
- fiscal note recommendations, 40-100
- requests
  - agency requests, 40-40
  - cancellation, 40-40
- committee requests, 40-40, 40-50, S30-150, H30-50
- deadlines, 40-40, 40-50
- governor’s nominations for appointments, S70-30
- limitation, exceptions, and prioritization, 40-40, S70-30
- resolutions, 40-40, 40-50, H40-20
- revenue bills, 40-50
- sponsor required, S40-10, See Sponsors, bill

Duplicate bills, introduction prohibited when, 40-70
INDEX TO RULES

E

Economic Affairs Interim Committee, 30-70
Education and Cultural Resources, Committee on, 30-70, S30-20
Education and Local Government Interim Committee, 30-70
Education, Committee on, 30-70, H30-10, H(Appendix)
Effective dates of legislation, 40-30
Employees
  appointment of, S10-130, H10-90
  complaints involving, S10-80
  dismissal, suspension, and/or retention, 10-80, S10-80, H20-60
  engrossing and enrolling staff, 10-120
  floor admittance, S20-50, H20-40
  harassment prohibited, 10-85
  interim status, S10-20
  joint, 10-80
  lobbying prohibited, H20-60
  personnel files, 10-100
  preparation of materials, S20-70, H20-70
  recommendation for employment, S10-130
  supervision, S10-50, S10-140, S10-150, H10-20, H10-100
  telephone use, 10-70
  term of office, S10-20
  testimony by, H20-60
Energy and Telecommunications, Committee on, S30-20
  Interim Committee, 30-70
Engrossing, 40-150, H40-190
  deadlines, 10-120, H40-190
  defined, 10-120, H40-190
  staff, hiring and duties, 10-120
  third reading following, S50-190, H40-190, H40-200
Enrolled legislation
  signing, 40-160, S10-50, H10-20, H40-240
  transmittal to other house, 40-160
Enrolling, 40-160, H40-240
  conference committee reports, clerical instructions, 30-40
  deadlines, 10-120, H40-240
  staff, hiring and duties, 10-120
Equipment, S10-80, S10-150, H(Appendix)
Errors
  clerical, correction, 10-120
  engrossing, 40-150
  enrolling, 40-160, H40-240
  fiscal notes, technical or mechanical defects of bill noted in, 40-100
  journals, correction, 10-160, S10-170, H10-140
  vote, caused by malfunction of voting system—correction, S50-200, H50-210
Ethics, Committees on, S30-20, S30-160, H30-10, H(Appendix)
Excused absence of members
  absentee votes, H50-220
  attendance required unless, S50-10, H50-10
  call of the house with a quorum, H50-40
  committee meetings
    absentee or proxy votes, S30-100, H30-50
    during house session, H30-40
    during senate session, S30-60
  pairing of votes, S50-210
  unexcused absence, penalty, S50-220
  voting, from, S50-180, S50-210
Expenditures, S10-80, H10-30, H(Appendix)

F

Federal Relations, Energy, and Telecommunications—Committee on, 30-70, H30-10, H(Appendix)
Final action on a bill, 40-180
Final passage, See Passage
Final rejection of legislation, 40-70, 40-180, S50-50
Finance and Claims, Committee on, S30-20
  appropriation bills, consideration, 30-50
  chair, 30-50
  interim committees, selection, 30-70
  introduction of legislation, request for drafting or—majority vote required, S30-150
Fire marshal, posting of occupancy limitations, S30-80, H30-60
First reading of bills, 10-130, 40-130, S40-20, H40-40, H40-50
  governor’s nominations for appointments, S70-20
  order of business, S50-20, H50-60
Fiscal notes, 40-65, 40-100, S30-70, H10-20, H30-50
  rebuttal, sponsor’s, 40-110
Fish and Game, Committee on, S30-20
Fish, Wildlife, and Parks—Committee on, H30-10, H(Appendix)
Floor action, S50-10—S50-230, H50-10—H50-250
Floor admittance, 10-50, S20-50, H10-110, H20-30, H20-40
Floor duties, S10-90, H10-50
Floor leaders, See Majority floor leaders; Minority floor leaders
Free conference committees, 30-30
Fund transfer not appropriation, 40-200

G

Galleries, clearance and order in, S10-50, H10-20, H10-110
Governor
  amendments to legislation, recommendations for, 40-230, S50-240, H40-250
  constitutional amendments, veto or signature not required, 40-10, 40-210
  enrolled bills, delivery to and receipt, 40-160
  line item veto, 40-210
  messages from
    journal entry, S10-170, H10-140
    order of business, S50-20, S70-20, H50-60
    veto messages, 40-210, 40-220
  nominations for appointments, S70-10
    committee process, S70-30
  hearings and notice requirements, S30-60, S70-30
  introduction and first reading, 40-50, S70-20
  resolutions for, 40-50, S40-10, S70-30
  resolutions, approval and signature not required, 40-60, 40-210
  signing of bills and exceptions, 40-210
  veto of bills, 40-210, 40-220, S50-250, H40-260
    constitutional amendments not subject to, 40-10, 40-210
    failure to override does not constitute final rejection, 40-70
    motion to override, vote requirement, 40-220, S50-250, S-Appendix A, H40-260, H50-160

H

Harassment prohibited, 10-85
Hearings
  committees, 40-190, S30-60, S30-70, S50-230, H30-40, H30-50, H40-220
  news media, access, S30-80, H30-60
  notice requirements and exceptions, S30-60, S70-30, H30-40
  required on bills, H30-50
  scheduling, S30-50
  testimony, S30-80, H30-60
  conference committees, notice requirements, S30-60
  governor’s nominations for appointments, S30-60, S70-30
  news media, access, 10-50, S30-80, H30-60
Highway revenue, motion to approve bill to appropriate for purposes other than therein described, S-Appendix A, H50-160
Highways and Transportation, Committee on, 30-70, S30-20
Historical Society, copies of minutes filed with, 10-150, S30-50, H10-100
Human Services, Committee on, 30-70, H30-10, H(Appendix)
I

Identical bills, introduction prohibited when, 40-70

Immunity from suit, motion to approve bill conferring, S-Appendix A, H50-160

Interim
  committees, 30-70, 40-40, H(Appendix)
  employees, status, S10-20
  future sessions, preparation for, S10-80, H(Appendix)
  studies
    appropriation required for bills requesting, 40-65
    request for, 40-50, 40-60, 40-65,
    resolutions for, 40-50, 40-60, 40-200

Internet access, 10-70

Interns, See Legislative interns

Introduction of and introduced legislation, 40-40, 40-130, S40-20, H40-80
  agency bills, 40-40
  appropriation bills, 40-20, 40-50, S40-10
  “by request of the......” phrase may not be added, 40-40, H40-40
  color of paper, 10-130
  committee legislation, 40-40, S30-150, H30-50
  deadlines, 40-50, H40-10
  distribution, 10-130
  duplicate bills, prohibited when, 40-70
  endorsement with member’s name, 40-40, H40-40
  finance and claims, committee on—request and majority vote required, S30-150
  fiscal note requirements, 40-100
  fiscal note rebuttal, sponsor’s, 40-110
  format of, 10-130
  governor’s nominations for appointments, 40-50, S70-20
  interim study resolutions, 40-50
  jointly sponsored legislation, 40-40, H40-30
  journal entry, S10-170, H10-140
  notice, public, S40-20, H40-50
  numbering, 40-40, S40-20, H40-40
  other house, legislation from—what constitutes, H40-40
  preintroduction, 40-40, S40-20, H40-10, H40-40
  printing, 10-130, S40-20, S40-60
  referral to committee, See Committees, generally
  resolutions, 40-50, S40-10, S40-20, H40-20
  review prior to, 40-40
  senate, types allowed, S40-10
  sponsors, See Sponsors, bill
  withdrawal of, prohibited, 10-130

J

Joint committees, See Committees, generally

Joint resolutions, See Resolutions

Joint rules, See Rules

Joint sponsors, 40-40, H40-30, See also Sponsors, bill

Journals, 10-160, 10-170, S10-170, H10-140
  amendments to legislation, entry, S10-170, S50-150
  clerks, in both houses, training of, 10-100, S10-170
  committee reports, entry, S10-170, H10-140
  enrolled bills, entries, 40-160
  report on, S50-20
  roll call votes, entry, 10-150, S10-170, H10-140, H40-110
  secretary of state, delivery to, H10-100
  signing, 10-170, S10-50, H10-20, H10-140
  sponsors, bill—additional, entry, S40-30
  supervision, H10-100
  vote, motion to spread on the journal, H50-160
  votes, entry, 10-140, 10-150, S10-170, S50-150, S50-200, H10-140, H40-110, H50-200, H50-210

Judiciary, Committees on, 30-70, S30-20, H30-10, H(Appendix)
Law and Justice Interim Committee, 30-70
Law Library, State—committee and subcommittee minutes and exhibits, copy to, S30-50, H10-100
Laws, See Statutes
Leadership, See also Majority floor leaders; Majority leaders; Minority floor leaders; Minority leaders; President of the Senate; President Pro Tempore of the Senate; Presiding officers; Speaker of the House; Speaker Pro Tempore of the House
Leaves with cause
   call of the house, during, H50-40, H50-50
   excused absence is not, H50-10
Legislation generally, 40-10—40-230, S40-10—S40-40, S40-60, H40-10—H40-260
Legislative Administration, Committee on, S10-80, S30-20, H30-10, H(Appendix)
   employees, responsibilities, S10-80, S10-130
   president of the senate, advice and counsel to, S10-50
Legislative agencies, duties delegated to, H10-50
Legislative aides, S10-160, H10-120
   lobbying prohibited, H20-60
   telephone use, 10-70
   testimony by, H20-60
Legislative Council, standing committee workload—review and recommendations, S30-20, H30-10
Legislative day, 10-20, H10-160
   adjournment for, H50-240
   adverse committee reports, consideration, H40-100
   agenda
      amendment or addition to, H10-20, H40-130
      second and third readings, arrangement or amendment, H10-20, H40-190
      calendar, approval, S10-50
   committee hearings, notice requirements, S30-60
   consent calendar legislation, posting, H40-110
   engrossed legislation, third reading, H40-190
   enrolled legislation
      journal entry, 40-160
      signing or certification, 40-160, H40-240
   final day
      engrossed legislation, third reading, H40-190
      reading of legislation, S40-40, H40-60
      report from committee and consideration on second reading, H40-140
   fiscal notes, review by chief sponsor, 40-100
   governor
      amendments, recommendations for—consideration, S50-240, H40-250
      nominations for appointments, resolutions for—consideration, S70-30
      veto by, motion to override, S50-250, H40-260
   introduction of legislation, requirements, 40-50, H40-10
   opening, H50-60
   president of the senate
      absence for 2 or more days, effect, S10-60
      to take chair when, S10-50
   reading of legislation, one per day and exception, S40-40, H40-60
   reconsideration vote on specific issue, one per day, H50-170
   reconsideration, motion to, S50-90, S50-120, H50-170
   rules, house—committee report
      on appeals from interpretation, H70-50
      on resolutions for, H70-10
      second reading consideration, time allowed between committee report and, H40-140
   take from the table, motion to, H50-190
   third reading, 40-150, H40-190
      reconsider, motion to—further action, S50-90
      transmittal deadline of bills and resolutions, 40-200
      vote
         motion to change, S50-200, H50-210
         motion to reconsider, H50-170
   Legislative interns, 10-90, H10-130
   lobbying prohibited, H20-60
   telephone use and internet access, 10-70
   testimony by, H20-60
INDEX TO RULES

Legislative Services Division, 10-100
committee and subcommittee minutes and exhibits, S30-50, H10-100
drafting requests—limitations, procedures, deadlines, and prioritization, 40-40, 40-50, S30-150
grossing and enrolling staff, hiring, 10-120
enrolled bills, signed copies with chapter numbers filed with, 40-160
fiscal notes and sponsor’s rebuttal, responsibilities, 40-100, 40-110
journal, responsibilities, 10-100, 10-160, 10-170, S10-170, H10-140
preintroduction of legislation, responsibilities, 40-40, S40-20
preparation of
Committee of the Whole amendments, S50-150, H40-150
materials, S20-70, H20-70
purchase orders and requisitions forwarded to, S10-80
request to change or correct short title, S40-20
rules
amendments, copies of motions and resolutions to division, 60-10
codification, publication, and distribution, 60-30
rules, committees on—minutes and reports, copies to, 60-10
senate, types of legislation allowed, S40-10
sponsors, bill—additional, responsibilities, 40-40, S40-30
Lobbies, clearance and order in, S10-50, H10-20, H10-110
Lobbying
employees, interns, and aides—by, prohibited, H20-60
harassment prohibited, 10-85
limitations, H20-30
rules, enforcement, S10-150
Local government, bills having fiscal impact—fiscal note requirements, 40-100
Local Government, Committees on, 30-70, S30-20, H30-10, H(Appendix)

M

Majority floor leaders
agenda, arrangement of legislation on, S40-60
call of member to order, S20-20
Majority leader, S10-90, H10-10, H10-50
call of member to order, H20-80
committee appointments, advice, S30-10
Committee of the Whole amendments, H40-150
committees, as ex officio nonvoting member, S30-40, H30-30
debate, predetermined amount of time and number of speakers—allocation, H40-170
procedural motions by, H50-70
secretaries, private, S10-130, H10-90
Majority whips, S10-100, H10-10, H10-60
Mason’s Manual of Legislative Procedure 2000, use, 60-20, S60-20, H70-40
Media, See News Media
Meetings, See also Sessions
appropriation bills, joint committee for consideration, 30-50
committee, S30-60, S30-70, H30-40, H30-50
announcement, S50-20, H50-60
notice requirements and exceptions, S30-60, H30-40
quorum, S30-40, H30-30
conference committees, 30-20, 30-30
ethics committee, S90-160
news media, access, 10-50, S20-50, H20-40
place of, 10-40
rules, committees on, 30-20
time of, each house, 10-10
Messages from the governor
journal entry, S10-170, H10-140
order of business, S50-20, S70-20, H50-60
veto messages, 40-210, 40-220
Messages from the other house, S50-20, H40-40, H50-60
journal entry, S10-170, H10-140
Minority floor leaders
call of member to order, S20-20
drafting requests, prioritization, 40-40
Minority leader, S10-110, S30-10, H10-10, H10-70
call of member to order, H20-80
committee appointments, advice, S30-10, H30-10
Committee of the Whole amendments, H40-150
Minority leader (continued)
committees, as ex officio nonvoting member, S30-40, H30-30
consent calendar, agreement for placement on, H40-110
debate, predetermined amount of time and number of speakers—allocation, H40-170
secretaries, private, S10-130, H10-90

Minority whips, S10-120, H10-10, H10-80

Minutes
committees, 10-150, 30-30, S10-130, S30-50, S30-60, S30-100, H10-100, H30-20, H30-40
filings with historical society, 10-150, S30-50, H10-100
rules, committees on, H50-10
subcommittees, H10-100
votes, entry, 10-150

Motions
absentee or proxy votes, procedures, H30-50, H50-220
adjourn, to
in order when, S50-220, H50-30, H50-40, H60-40
legislative day, for, H50-240
nondebatable, S50-60, H50-90, H60-20
precedence, H50-120, H60-30
sine die, H50-250, H60-40
adverse committee reports
response to, S50-120
to overturn, H50-160
to reject, H40-100
agenda
change order of placement on, S50-160, H40-160
second or third reading, to add legislation, H40-130, H50-160
amendability of motions, H50-110
call of the house, for (no), H50-110
with a quorum (no), H50-40
without quorum (no), H50-30
closure, to call for (yes), H40-160
limitation, S50-70, H50-110
main motion, H60-100
nondebatable, motion to amend—nondebatable, S50-60, H50-90, H60-20
number of amendments allowed, S50-70, H50-110
pass consideration, to (yes), H40-160
postpone to a day certain (yes), H60-60
previous question, for (no), H50-110
reconsider, to (yes), H40-160
rise, rise and report, or rise and report progress and beg leave to sit again (yes), H40-160
table, to (no), H50-110, H50-190
take from the table, to (no), H50-110
withdrawal of motion prior to amendment, S50-40, H50-130
amend, to
Committee of the Whole, in order during, S50-160, H40-160, H60-110
general appropriations bill, H40-180
nondebatable, S50-60
precedence, H50-120, H60-30
roll call vote, 10-150
rules, 60-10, S60-10, S-Appendix A, H50-160
appeal of call of member to order, S20-20, H20-80
"be concurred in" or "be not concurred in", failure on second reading—effect, H40-140
call of the house
amendment prohibited, H50-30, H50-40, H50-110
for, H50-30, H50-40, H50-90, H50-120
lift, to, H50-160
nondebatable, H50-30, H50-40, H50-90, H60-20
precedence, H50-120, H60-30
remove, to, H50-30, H50-40
without a quorum, H40-160, H50-30
call of the senate
amendment prohibited, S50-70
for, S50-50, S50-60
lift, to, S-Appendix A
remove the call, to, S50-220
change a vote, S50-60, H50-90
closure, to call for
Committee of the Whole, in order during, H40-160, H40-170
nondebatable, H50-90, H60-20
precedence, H50-120, H60-30
vote requirement, H40-170, H50-160
Motions (continued)
coal severance tax trust fund, to approve bill to appropriate principal, S-Appendix A, H50-160
Committee of the Whole
allowed in, S50-160, H40-160
“be concurred in” or “be not concurred in”, H40-140, H60-110
“do pass”, “do pass as amended”, or “do not pass”, H40-140, H60-110
floor amendments, H60-110
formation of committee by, S50-140
in order during, enumeration, H40-160
order of, S50-160, H40-160
pass business, to, S50-60
vote requirements, 10-150
committees
minutes, entry, S30-60, H30-40
offered in, S30-70, H30-50
withdraw a bill from, motion to, S40-60, H40-90, H50-160
commit, to, S50-50
concurrence, to recommend, 10-150, S50-160, H40-160
conference committees, to dissolve, S50-130, H40-230
consent calendar, to place on, H40-110
constitutional amendments, Montana—to approve bill proposing, S-Appendix A, H50-160
debatable, S50-160, H40-160
postpone to day certain, limitations, H60-60
reconsider, motion to, S50-90, H50-170
refer or rerefer, terms, H60-80
speaking limitation, H50-80
speak more than once, motion to, H50-160
debate
limit, extend the limits of, or to close, S50-60, H60-20
motions during, S50-50, H60-30
of motions
general appropriations bill, to reopen a section, H40-180
second reading, S50-160
speaking limitation, S50-30, H40-170, H50-80
to end, H40-170, H50-150
dilatory, H20-50
divide a question, to
allowed when, S50-100, H50-140
appeal of ruling, H50-140
nondebatable, H50-90, H60-20
not motion to segregate, S50-100
no vote required, S50-100
“do pass” or “do not pass”, failure on second reading—effect, H40-140
first reading, not in order, S40-20, H40-50
general appropriations bill, to reopen a section for amendment, H40-180
governor
nominations for appointments, resolutions for—to approve or disapprove, S70-30
veto by, to override, 40-220, S50-250, S-Appendix A, H40-260, H50-160
highway revenue, to approve bill to appropriate for purposes other than therein described, S-Appendix A, H50-160
immunity from suit, to approve bill conferring, S-Appendix A, H50-160
incidental, S50-60, H50-90, H60-20
journal entry, S10-170, H10-140
lay on the table, to
question of privilege not allowed when, S20-30, H20-20
reconsider, motion to, S50-90
main motion, S50-70, S50-80, H60-100
modifying motions, S50-70
nonconcurrence, to recommend, 10-150, S50-160, H40-160
nondebatable, S50-60, H50-90, H50-120 H60-20
adjourn, to, S50-60, H50-90, H50-120, H60-20
legislative day, for, H50-240
sine die, H50-250, H60-40
amend nondebatable motion, to, S50-60, H50-90, H60-20
appeal of call of member to order, S20-20, H20-80, H50-90
call of the house, H50-90, H60-20
with a quorum, H50-40
without a quorum, H50-30
call of the senate, S50-60
change a vote, S50-60, H50-90
closure, to call for, H40-160, H50-90, H60-20
Committee of the Whole, in, S50-160, H40-160
debate—limit, extend the limits of, or to close, S50-60
divide a question, to, H50-90, H50-140, H60-20
Motions (continued)

nondebatable (continued)

  incidental motions, S50-60, H50-90, H60-20
  lay on the table, to, S50-60
  parliamentary inquiry, for, S50-60, H50-90, H60-20
  pass business in Committee of the Whole, to, S50-60, H40-160
  pass consideration, to, H40-160
  previous question, for, S50-60, H50-90, H60-20
  procedural motions, S50-60, H50-90, H60-20
  question lack of quorum, H50-90
  question of privilege not allowed when, S20-30, H20-20
  recess or rise, to, S50-60, H50-90, H50-120 H60-20
  reconsider, to, S50-120, H40-160
  rise, rise and report, or rise and report progress and beg leave to sit again—to, S50-60, H40-160, H50-90, H60-20
  rules, to suspend, S50-60, H50-90, H60-20
  table, to, H50-90, H50-120 H50-190, H60-20
  take from the table, to, S50-60, H50-90, H60-20
  vote, to change, S50-60, S50-200, H50-90 H50-210

nonpassage, to recommend, 10-150, S50-160, H40-160

noxious weed management trust fund, to appropriate principal of, S-Appendix A, H50-160

offering, procedures upon, S50-40, H50-70

order of, S50-50, S50-90, H40-160 H50-120

order of business, S50-20, H50-60, H50-70, H50-120, H60-30

parliamentary inquiry, for, S50-60, H50-90, H60-20

passage, to recommend, 10-150, S50-160, H40-160

pass consideration, to, S50-160, H40-160

postpone consideration to a day certain, H60-60

  precedence, H50-120, H60-30

  reconsider, motion to, H50-170

postpone indefinitely, to

  bills or resolutions indefinitely postponed, effect, S50-50

  Committee of the Whole, in order during, S50-160

  roll call vote, 10-150

previous question, to call for

  amendment prohibited, S50-70, H50-110

  effect of adoption, H50-150

  nondebatable, S50-60, H50-90, H60-20

  precedence, H50-120, H60-30

  table, motion to—moving question after, H60-100

privilege, question of—for, S50-50, H50-120, H60-30

procedural

  majority leader, by, H50-70

  nondebatable, S50-60, H50-90, H60-20

  renewal, H50-180

  voice vote, H50-200

question another representative, H60-110

question, debate of—motions allowable, S50-50

question lack of quorum, H50-90

recall legislation from other house, to, S50-90, H50-170

recess, to

  in order when, H60-40

  nondebatable, S50-60, H50-90, H60-20

  precedence, H50-120, H60-30

  reconvening, revert to order of business specified in motion, S50-20

reconsider, to, S30-140, S50-90, S50-120, S50-160, H50-170

  adjourn or recess, motion to—vote not subject to, H60-40

  committee action, S30-70, H30-50

  Committee of the Whole, in order during, H40-160

  committee report adoption, S50-120

  legislation indefinitely postponed, S50-50

  procedure, S50-90, H50-170

  renewal or reconsideration prohibited, H50-170

third reading action, S50-90

refer, to, S50-50, H50-120, H60-30, H60-70, H60-80

remove legislation from normal progress through house and reassign, H50-160

renewal, H50-170, H50-180

rerefer, to, H40-80, H50-160, H60-30, H60-80

restatement, S50-40

rise, rise and report, rise and report progress and ask/beg leave to sit again—to, S50-160, H40-160, H60-110

rise, to, S50-60, S50-160, H40-160, H50-90, H50-120, H60-20, H60-30
Motions (continued)

rules
amend or adopt, to, 60-10, S60-10, S-Appendix A, H50-160
presiding officer's interpretation, to appeal, H50-160
suspend, to, S50-60, S50-200, S-Appendix A, H50-90, H50-160, H60-20, H70-30

second reading

disposition by positive vote, S50-180
standard motions, H60-110
seconds not required, S30-70, S50-50, H50-70
seggregation of legislation, to, S50-140, H40-140
not motion to divide, S50-100
speaking on, limitations, S50-30, H40-170
speak more than once on debatable motion, motion to, H50-160
sponsors, bill—to add, 40-40, S40-30
standard motions, H60-110
state debt, creation—to approve bill to authorize, H50-160
subject different from that under consideration, motions not admitted, S50-50
subsidiary, S50-50, S50-90
substitute, S50-50, S50-90, H50-120, H50-170, H60-30
 limitation, S50-70
table, to
allowed when, H50-190
amendment prohibited, S50-70, H50-110, H50-190
effect when carried, H60-50
nondebatable, H50-90, H50-190, H60-20
precedence, H50-120, H60-30
previous question, moving after, H60-100
reconsider, motion to, H50-170
take from the table, to
allowed when, S30-70, H30-50, H50-190
amendment prohibited, S50-70, H50-110
nondebatable, S50-60, H50-90, H60-20
precedence, H60-30
reconsider, motion to, S50-90
table, motion to—superseded by, H60-50
tobacco settlement trust fund, to approve bill to appropriate principal, S-Appendix A, H50-160
veto by governor, to override, 40-220, S-Appendix A, H40-260, H50-160
vote relating to, nondebatable, S50-60, H50-90, H60-20
to change, S50-200, H50-90, H50-160, H50-210, H60-110
to decide motions, H50-70, H50-200
to record, H50-160
to spread on the journal, H50-160
withdrawal of motion prior to, S50-40, H50-130
withdraw a bill from committee, to, S40-60, H40-90, H50-160
withdrawal of, S50-40, H50-130

Motor vehicle taxes or fees, statutes imposing—effective date, 40-30

N

Natural Resources, Committee on, S30-20, H30-10, H(Appendix)

News media
floor admittance, registration required, 10-50, S20-50, H20-40
hearings and meetings, access, 10-50, S30-80, H30-60

Notice. See Public notice

Noxious Weed Management Trust Fund, motion to appropriate principal of, S-Appendix A, H50-160

Numbering of legislation, 40-40, S40-20, H40-40
chapter numbers, 40-160
introduction, to constitute, S40-20, H40-40
pages of introduced bills, 10-130
preintroduced legislation, reservation for, H40-40

O

Objections
clerical errors, correction, 10-120
consent calendar legislation, H40-110
journal corrections, S10-170, H10-140
standing committee recommendations, form, H40-100
voice vote on procedural motions, to, H50-200
Officers, S10-10, S10-30, S10-90—S10-150, H10-10, H10-50, See also specific officer
election, S10-10, S10-60, H10-10
floor admittance, S20-50
term of office, S10-20
Operations, S10-80, H(Appendix)
appropriation bills for, 40-20
Order and privilege, points of, S30-70, H30-50
Order during proceedings
committees
   chairman, duties, S30-60, S30-70, H30-20, H30-40, H30-50
   members, privileges, S30-70, H30-50
   rooms, S30-50
   president of the senate, authority, S10-50, S10-150
   presiding officer’s discretion on issues, 10-50
   senate members, misconduct, S50-170
   sergeants-at-arms, duties, S10-150, H10-110
   speaker of the house, authority, H10-20
Order, members called to, S20-20, H20-80, H50-90
Order of business, S50-20, H50-60
adjourn for a legislative day, motion to, H50-240
adjourn sine die, motion to, H50-250
adverse committee reports, debate, H40-100
committee reports, reading, S50-120, H50-60
conference committee
   meetings, announcement, 30-30
   reports, S50-130, H40-230
consent calendar legislation, H40-110
governor
   amendments, recommendations for, S50-240, H40-250
   nominations for appointments, S70-20, S70-30
   veto by, announcement and motion to override, S50-250, H40-260
   house amendments to senate legislation when returned to senate, S50-230
   motions, S50-20, H50-60, H50-70, H50-120, H50-210, H60-30
   pass to new order of business, S50-20
recess or stand at ease, H50-230
reconsider or recall
   committee report, S50-120
   legislation, motions to, S50-90
reconvening after recess, S50-20
revert to new order of business, S50-20
senate amendments to house legislation when returned to house, H40-220
sponsors, bill—additional, noted for record, H40-30
table, motion to, H50-190
take from the table, motion to, H50-190
third reading, S50-20, S50-190, H40-110, H50-60
vote, motion to change, H50-210
votes, recorded—manner of making, S50-180
Order, points of, S30-70, H30-50
Order, questions of, S20-10, H20-20
Orders of the day, special—order of business, S50-20, H50-60
   consent calendar legislation, H40-110
   recognition of individual or group achievements, 40-60
Original bill
   enrolling, 40-160
   sponsors, additional, S40-30
   substitution of new material, 40-120
Other house
   amendments, 40-150, 40-170, S50-110, S50-230, H40-200, H40-220, H60-110
   governor’s recommendations for amendments, 40-230
   house amendments to senate legislation, S50-230
   introduction of legislation, what constitutes, S40-20, H40-40
   messages from, S10-170, S50-20, H10-140, H40-40, H50-60
   recall legislation from, motion to, S50-90, H50-170
   referral of legislation to committee, S40-20, H40-70
   rejection of legislation, 40-180
   relations with, 20-10
   rules, committee on—reports for amendment of rules, referral, 60-10
   schedules, coordination, 10-30
   senate amendments to house legislation, H40-200, H40-220, H60-110
   third reading, 40-180
INDEX TO RULES

P

Pages, supervision, H10-110
Papers, distribution, S20-70, H10-110, H20-70
Parking regulations, enforcement, H10-110
Passage
   final
      majority vote for, questions or legislation requiring more than, S50-110, S50-130, S50-240, H40-120
      referral to committee required, H40-70
      resolutions, house, H40-20
      vote requirements, 10-140, 10-150, S50-110, H10-140, H40-120, H40-250
      governor, submission to for signature, 40-210
      second reading, recommendation for, 10-150, 40-140
      three readings of legislation required prior to, 40-130, S40-40
Payroll or per diem, See Compensation
Petitions and communications, order of business, S50-20, H50-60
Preintroduction of legislation prior to session, 40-40, S40-20, H40-10, H40-40
Preparation of materials, request for, S20-70, H20-70
Presession expenditures, approval, H10-30
President-elect of the Senate, responsibilities and authority, S10-70
President of the Senate, S10-30, S10-50, S10-60, See also Presiding officers
   assistance to, by majority leader, S10-90
   calendar, duties, S10-50, S10-90, S10-140, S20-60
   call of member to order, S20-20
   Committee of the Whole, chair—appointment, S50-140
   committees, responsibilities, S30-60, S30-70
   communications to senate, S20-60
   conference committees
      appointment, S30-10
      dissolving, S50-130
   contracts for equipment and supplies, approval, S10-80
   drafting requests, prioritization, 40-40
   election of, S10-30
   employees, duties, S10-50, S10-80, S10-130, S20-70
   floor, admittance—duties, S20-50
   governor’s nominations for appointments, receipt and referral, S70-20
   journal, duties, 10-170, S10-50, S10-170
   papers, distribution—approval, S20-70
   purchase orders and requisitions, approval, S10-80
   questions of order, to decide, S20-10
   referral of transmitted bills to committee, 40-190
   rereferral of legislation to committee, S50-230
   secretary, S10-130
   secretary of the senate, supervision, S10-140
   sergeant-at-arms, supervision, S10-150
   special committees, appointment, S30-10
   succession, S10-60
   third reading procedure, S50-190
President Pro Tempore of the Senate, S10-30, S10-50, S10-60
Presiding officers, S10-50, See also President of the Senate: Speaker of the House
   appeal of ruling by, S50-60, S-Appendix A, H50-140, H50-160
   clerical correction of bills, 40-160
   committee chairs, S30-50
   consent calendar consideration, announcement, H40-110
   decisions nondebatable, S50-60
   engrossing and enrolling bills, approval of time extension, 10-120
   enrolled bills, responsibilities, 40-160, S10-50
   fiscal notes and sponsor’s rebuttal, responsibilities, 40-100, 40-110
   harassment violations reported to, 10-85
   motions
      dilatory, decision concerning, H20-50
      restatement, S50-40
   news media subject to discretion of, 10-50
   order, senators called to, S20-30
   payrolls, certification and signature, 10-100
   previous question ordered, determination of lack of quorum, S50-80
   questions
      dilatory, decision concerning, H20-50
      representatives may ask of other representatives, H50-100
      right to understand, representative’s, H50-90, H60-10
Presiding officers (continued)
recognition of members to speak, S20-40, H20-10
rules, interpretation—appeal of, H50-160
schedules, coordination, 10-30
third reading procedure, S50-190
veto message read by, 40-220
voting by, S10-40

Press representatives, See News media

Printed matter, distribution, S20-70, H10-110, H20-70

Printing
journals, S10-170
legislation
  color of paper, 40-140, 40-150
  consent calendar items, H40-110
  enrolling, 40-160
  first sheet only, when, 40-140, 40-150
  fiscal notes and sponsor's rebuttal, 40-100, 40-110
  introduced bills, 40-130
  original legislation, 10-130,
  preintroduced legislation, 40-40, S40-20
  second house amendments, 40-150
  second reading, 40-140, S40-60, H40-110, H40-190
  sponsors, additional—inclusion, S40-30
  substitute bills, 40-120
  third reading, H40-110, H40-190

Privilege and order, points of, S30-70, H30-50

Privilege, questions of, S20-30, S50-50, H20-20, H50-120, H60-30

Privileges, committee members, S30-70, H30-50

Program development, policy formation, and policy decisions, assistance with, S10-90, H10-50

Progress, tracking of bill, space for notation of, 10-130

Processes and writs, service, H10-110

Publications
journals, 10-170, S10-170, H10-140
rules, 60-30
supervision, H10-100

Public, committee meetings open to, S30-60, H30-40

Public Health, Welfare, and Safety—Committee on, 30-70, S30-20

Public, information available to
committee minutes, S30-60, H30-40
hearings, S30-60
introduced legislation, S40-20, H40-50
journals, 10-170, S10-170
voting records, 10-150, H10-150

Public notice
committees
  hearings, S30-60
  meetings, S30-60, H30-40
governor’s nominations for appointments, hearings, S30-60, S70-30
introduced legislation, S40-20, H40-50

Public record, voting records as, 10-150, H10-150

Purpose of bill
original, change prohibited, 40-90, H40-150
same purpose, bills with—introduction or receipt after rejection, 40-70

Questions
answers, questions and—no limit, H50-100
asking, H50-90, H50-100, H60-10, H60-110
committees
  chairman, duties, H30-20
  procedure, S30-70, H30-50
consent calendar consideration, H40-110
debatable question on which there has been no debate, debate when previous question ordered for, S50-80
debate closed upon adoption of motion for previous question, H50-150
dilatory, H20-50
Questions (continued)

divide a
motion to, nondebatable, H50-90, H60-20
request to, allowed when, S50-100, H50-140
appeal of ruling, H50-140
general appropriations bill, concerning, H40-180
main question, S50-80
majority vote, requiring other than, S50-110, S-Appendix A, H50-160
nondebatable, S50-60, H50-20
order or privilege—precedence, decision, and appeal, S20-10, H20-20, H30-30
pairing of votes, S50-210
postponed indefinitely, S50-50
previus
adjourn, motion to—not in order when, H60-40
call for, S50-80, H60-100
call for, motion to
amendment prohibited, S50-70, H50-110
effect of adoption, H50-150
nondebatable, S50-60, H50-90, H60-20
not in order when, H60-100
precedence, H50-120, H60-30
call of the senate not in order, S50-80
debatable question on which there has been no debate, ordered for, S50-80
question of privilege not allowed when, S20-30, H20-20
recess, motion to—not in order when, H60-40
table, motion to—not in order when, H60-50
privilege, questions of, S20-30, S50-50, H20-20, H50-120, H60-30
quorum
lack of, H50-20
motion to table prohibited, H50-190
reconsider, motion to, S50-90
right to understand, H50-90, H60-10
rules
adherence to, when, S40-20, H40-50
amendment of house rules, H70-10
interpretation of house rules, H70-50
speaking on, limitations, S50-30, H40-170, H50-80
submission as definite proposition, H60-10
table, motion to, H50-190
third reading, state the question on, S50-190, H40-200
vote to decide, S50-180, H50-200

Quorum

call of the house
with, H50-40, H50-160
without, H40-160, H50-30
call of the senate
order for, S50-220
with, S-Appendix A
committees, S30-40, H30-30
lack of, S50-80, S50-220, H40-160
previous question ordered, determination of lack of, S50-80
question of lack of, H50-20, H50-90
second reading, required for, H40-160
table, motion to—prohibited, H50-190
what constitutes, S50-10, H50-20

R

Reading
motions, when written, S50-40
one reading of legislation per day, H40-60
three readings of legislation required, 40-130, S40-40
veto messages, 40-220

Recess
10-40, 20-10 H50-230
consent of other chamber required, when, 20-10
governor’s appointments during, S70-10
motion to, See Motions

Reconsideration
committees
previous action, S30-70, S30-140, H30-50
reports, action on adoption, S50-120
Reconsideration (continued)
- conference committee reports, rejection, H40-230
- governor, by, 40-230
- motion to reconsider, See Motions
- segregated legislation, amendments adopted on, H40-140
- vetoed bills, 40-210
- vote on specific issue, one per day, H50-170

Reconvening
- after recess, order of business reverted to, S50-20
- vetoed bills, for consideration, 40-210

Records
- amendments, proposed—text, 10-150
- house, H10-100
  - official record, H10-140
    - amendments, rejected—as part of, H40-150
- journal entry, S10-170, H10-140
- secretary of state, delivery to, H10-100
- senate, S10-140
- supplies and equipment, purchase and disposal, S10-150
- testimony as part of official record, S30-80, H30-60
- votes, recording and public availability, 10-150, S50-180, H10-150

Reference bills, 40-150
- conference committee reports, clerical instructions, 30-40

Referendum measures
- governor’s signature not required, 40-210
- preintroduction, 40-40
- secretary of state, transmittal to, 40-160
- transmittal deadline, 40-200

Referral of legislation to committee, See Committees, generally

Rejection
- Committee of the Whole report, S50-140, H40-140
- committee reports, H40-100
- conference committee reports, S50-130, H40-230
- legislation, 40-70, 40-180, S50-50

Relations with other house, 20-10

Reports of committees, S30-70, S40-60, S50-120, H30-50, H40-80, See also Committees, generally
- adoption, S50-120, H40-100, H40-140
- of committee amendments, H30-50
- adverse committee reports, 10-150, S30-70, S50-120, H30-50, H40-100, H40-140
- overturn, motion to, H50-160
  - reject, motion to, H40-100
- authentication, S30-50
  - “be concurred in”, H40-80, H40-100, H40-140, H60-110
  - “be not concurred in”, H40-100, H40-140, H60-110
- chairman of committee, duties, H30-20
- Committee of the Whole, 10-150, 40-150, S50-140, H40-140, H60-110
- resolutions, house—final passage, determination, H40-20
- conference committees, 30-30, S50-120, S50-130, H40-230
- enrolling, clerical instructions, 30-40
- consent calendar, for placement on, H50-50, H40-110
- debate, S50-120
  - “do not pass”, H40-100, H40-140, H60-110
  - “do pass”, H40-80, H40-100, H40-110, H40-140, H60-110
  - “do pass as amended”, H40-110, H60-110
- fiscal note requirements, 40-100, S30-70, H30-50
- journal entry, S10-170, H10-140
- order of business, S50-20, S50-120, S70-30, H40-100, H50-60
- recommendation required, S30-70, H30-50
- reconsideration, S30-140, S50-120
  - prior to report, S30-140
- reversion, H40-100, H40-140
- rules, committees on, 60-10, S50-120, H70-10, H70-50
- second reading consideration, time between, H40-140
- select committees, order of business, S50-20, H50-60
- sponsors, bill—additional added prior to, 40-40, S40-30
- standing committees, S50-120, H40-100
- consent calendar, motion to place on, H40-110
- governor’s nominations for appointments, S70-30
- order of business, S50-20, S50-120, H40-100, H50-60
- sponsors, bill—additional added prior to, S40-30
Reports of committees (continued)  
substitute bills, 40-120  
when bill taken from committee, S30-70

Request for preparation of materials, S20-70, H20-70

Resolutions  
clerical errors, correction, 10-120  
drafting requests, 40-40, 40-50, H40-20  
engrossing and enrolling, 10-120  
enrolled, signing, S10-50, H10-20

governor  
approval not required, 40-60  
nominations for appointments, 40-50, S40-10, S70-30  
signature not required, 40-210  
interim studies, 40-50, 40-60  
introduction, 40-50, S40-10, S40-20, H40-20

joint resolutions, 40-60, S40-10  
administrative rules—for adoption, amendment, or repeal, 40-50, 40-60  
consent calendar, placement on, H40-110  
effective date, 40-30  
final passage, vote requirement, 10-150  
interim studies, 40-50, 40-60  
introduction, 40-50, S40-10  
joint rules, removal, 60-40  
joint sponsors, 40-40  
revenue estimation, for, 30-60  
third reading, H40-200  
numbering, 40-40, S40-20  
referral to committee, S30-60, H40-20

rules  
amendment, 60-10  
house rules, H70-10, H70-20  
secretary of state, transmittal or delivery to, 40-60, H10-100  
simple resolutions, S40-10, H40-20, H40-110, H70-10, H70-20  
transmittal deadlines, 40-200, H40-20  
uses, enumeration, 40-60, S40-10, H40-20

Revenue and Transportation Interim Committee, 30-60, 30-70

Revenue, bill reducing—reduction in appropriation in general appropriations act required, 40-180

Revenue bills, 40-200  
committee revenue bills, 40-50  
consent calendar, exception, H40-110  
definition, 40-200  
drafting request deadline, 40-50  
fiscal notes, 40-100  
transmittal deadlines, 40-200

Revenue estimation, resolutions for, 30-60

Rights  
dilatory motions or questions, protection from, H20-50  
divide a question, H50-140  
questions of order and privilege, H20-20  
questions of privilege, S20-30  
question, to understand, H50-90, H60-10

Roll call, S50-20, H50-20, H50-60

Rooms  
assignment by president of the senate, S10-50  
committee, S30-50, S30-80, H30-60  
sergeant-at-arms, duties, H10-110  
signs or placards not permitted, H10-20

Rulemaking authority, See Administrative rules

Rules, 60-10—60-30, S60-10, S60-20, H70-10—H70-60  
adherence to, question of, H40-50  
adoption, 40-60, S40-10, S60-10, H40-20, H70-10, H70-20  
amendment, 40-60, 60-10, S40-10, S60-10, S-Appendix A, H40-20, H50-160, H70-10  
appeals concerning interpretation, H50-160, H70-50  
codification, publication, and distribution, 60-30  
house deliberations, interpretation and enforcement, H10-20  
house rules  
adoption, amendment, or repeal, 60-10, H40-20, H50-160, H70-10, H70-20  
committee procedure, questions on, H30-50  
interpretation, H70-50  
joint rules, to supersede when, H70-60  
supplementary, H70-40
Rules (continued)
  house rules (continued)
    suspension, H70-30
    tenure, H70-20
    violation, H20-80
  joint rules
    adoption, amendment, or repeal, 40-60, 60-10, S40-10
    superseded by house rules when, H70-80
    suspension, 60-10
    tenure, 60-40
  mason’s manual of legislative procedure (2000), use, 60-20, S60-20, H70-40
  senate rules
    adoption, amendment, or repeal, 60-10, S40-10, S60-10, S-Appendix A
    committee procedure, applicability, S30-70
    suspension, temporary, S60-10
    violation, S20-20
  suspension, 60-10, S60-10, H70-30
  motion to suspend, S50-60, S-Appendix A, H50-90, H50-160, H60-20, H70-30
  transmittal to other house, 60-10

Rules, Committees on, S30-20, H30-10, H(Appendix)
  appeals to or from decisions by, H50-160, H70-50
  ethics committee, referral of issues to, S30-160
  harassment violations reported to, 10-85
  house rules
    resolutions for, referral and reporting, H70-10
    violation of, member called to order—referral to, H20-80
  legislative aides, approval when, S10-160, H10-120
  minutes, 60-10
  reports, 60-10, S50-120, H70-10
  S
  Salaries, See Compensation
  Salmon-colored bills, 40-150
  School districts, bills having fiscal impact—fiscal note requirements, 40-100
  Second house, See Other house
  Second reading of bills, See also Committee of the Whole
    adverse committee report rejected, following, H40-100
    agenda
      add legislation, motion to, H40-130, H50-160
      amendment or addition to, H10-20, H40-130
      arrangement or rearrangement of, S40-60, H10-20, H30-130
      amendments by second house, consideration, 40-150, S50-230, H40-220
      amendments in Committee of the Whole, 40-150, S50-140, S50-150, H40-140, H40-150
      preparation of, S50-150, H40-150
      bills removed from committee and placed on, S30-70
      committee recommendation, bills without—debate, S30-70, H30-50
      committee reports, See Reports of committees
      consideration of business on, S50-140, H40-140
      consideration of business on, S50-140, H40-140
      debate, S50-140, H40-140
      engrossing following, H40-190
      fiscal note requests, 40-100
      governor’s recommendations for amendments, consideration, S50-240, H40-250
      house amendments to senate legislation, S50-230
      joint select or joint special committees, bills requested and heard by, 40-140
      motions allowable, enumeration, S50-160, H40-160, H60-110
      order of business, S50-20, S50-120, H50-60
      placement on, 40-140, S40-60, H40-140, H40-220
      printing of legislation, 40-140, S40-60
      progression through house, H40-80
      quorum, failure to have, H40-160
      rejection of Committee of the Whole report, effect, S50-140, H40-140
Second reading of bills (continued)
scheduling for, S40-60, H40-100
segregated legislation, S50-140, H40-140
senate amendments to house legislation, H40-220
timing of bills placed on, S40-60, H40-140
vote on, S50-180, S50-230, H40-140

Secretaries, S10-130, H10-90

Secretary of State
bills and bill records, delivery to, H10-100
enrolled bills, originals filed with, 40-160
journal, delivery to, H10-100
referendums, bills proposing—transmittal to, 40-160
resolutions and resolution records, delivery or transmittal to, 40-60, H10-100, H40-20

Secretary of the Senate, S10-130, S10-140
amendments, responsibilities, S50-150
clerical corrections, notification and objection, 10-120
committees
minutes, responsibilities, S30-50
reports, responsibilities, S30-50, S30-140, S50-130
secretaries responsible to, S10-130
conference committee reports, filing, S50-130
governor’s nominations for appointments
committee reports, delivery and reading, S70-30
delivery to and distribution, S70-20
harassment violations reported to, 10-85
introduction or reception of legislation, 40-40, S10-50, S40-20
public posting of introduced legislation, S40-20
journal, responsibilities, S10-170
legislative aides registered with, S10-160
motions read aloud when, S50-40
pairing of votes, agreements filed with, S50-210
preintroduction of legislation, S40-20
resolutions, transmittal to, 40-60
rules, amendments to—responsibility, 60-10
rules, committee on—minutes and reports, responsibility, 60-10
signature by president of the senate, attestation, S10-50
sponsors, bill—forms for adding, S40-30
third reading procedure, S50-190
transmittal of legislation, responsibility, 40-60, 40-190, S10-140
vote, standing—recording, S50-180

Select committees, See also Committees, generally
absentee or proxy votes, S30-100, H30-50
appointments to or removal from, S30-10, H30-10
chairman, duties of, H30-10, H30-20, H30-50
conference committee reports, order of business, S50-130, H40-230
joint committees, referral of bills to, H40-70
referral to, H40-70, H40-80, H(Appendix)
question put when, H60-70
referred legislation, consent to take up, S30-70, H30-50
reports, order of business, S50-20, H50-60
request or receipt of legislation, 40-40, 40-130, 40-140, H30-10
rereference of legislation to committee, H(Appendix)
rules, subject to, H30-10
secretaries, H10-90
senate bills in house, scheduling of, H30-50
subcommittees, appointment to, H30-20
testimony, S30-80, H30-60

Sergeant-at-Arms, S10-150, H10-110
aisles, order to clear, H10-20
appointment of, H10-90
arrests by, S50-220
legislative aides, notice of sponsorship and identification, S10-160, H10-120
papers, distribution, H20-70

Service of processes and writs, H10-110

Sessions, See also Meetings
adjourn sine die, motion to, H50-250, H60-40
committee meeting
holding during house session, H30-40
holding during senate session, S30-60
future, interim preparation, S10-80
legislative day, See Legislative day
lobbying, S10-150, H20-20, H20-60
Sessions (continued)
  order of business, See Order of business
questions, asking, H50-100
special, absence of president of the senate—effect, S10-60
Seven bill limit and exceptions, 40-40
Speaker-elect of the House, responsibilities and authority, H10-30
Speaker of the House, H10-10, H10-20, See also Presiding officers
  absence, H10-20, H10-40
  adverse committee reports, rejection—scheduling for second reading, H40-100
  agendas, responsibilities, H10-20, H40-100
  appeal of ruling of, H50-140, H50-160, H70-50
  assistance to, by majority leader, H10-50
  call of member to order, H20-80
  chaplain, appointment of, H10-90
  chief clerk of the house, appointment and supervision, H10-90, H10-100
  committees, responsibilities, H30-10—H30-40
  appointment of committee chair, vice-chair, and members, H30-10
  conference committees, dissolving, H40-230
  consent calendar, agreement for placement on, H40-110
  debate, responsibilities, H50-150
  drafting requests, prioritization, 40-40
  employees, responsibilities, H10-20, H10-90, H20-60
  engrossing, responsibility, H40-190
  enrolling, responsibilities, H10-20, H40-240
  floor admittance, exceptions allowed by, H20-40
  journal, responsibilities, 10-170, H10-20, H10-140
  leave with cause, approval, H50-50
  legislative aides or interns, privileges withdrawn when, H20-60
  order and privilege, questions of—to decide, H20-20
  papers, distribution—permission for, H20-70
  recess, order for, H50-230
  recognition of members to speak, H20-10
  referral of legislation to committee, 40-190, H40-70, H(Appendix)
  rules, responsibilities, H10-20, H70-10, H70-50
  secretary, private, H10-90
  senate amendments to house legislation, placement on second reading, H40-220
  sergeant-at-arms and assistants, appointment and direction, H10-90, H10-110
  third reading, state the question on legislation on, H40-200
Speaker Pro Tempore of the House, H10-10, H10-20, H10-40
Speaking limitations, See also Debate
  appeal on question of order, S20-10
  appropriations, general appropriations bill—debate, H40-180
  close debate, to, H40-170, H50-80
  motions, debatable, H50-80
  predetermined amount of time and number of speakers for debate, H40-170
Speaking, violation of rules, S20-20, H20-80
Speak more than once, H40-170, H50-80
  appeal, on, S20-10
  debatable motion, on—motion to, H50-160
Speak more than twice, S50-30
Speak, recognition of member to, S20-40, H20-10
Special sessions, absence of president of the senate—effect, S10-60
Sponsors, bill
  additional, 40-40, S40-30, H40-30
  agency bills, 40-40
  chief sponsor, S40-10
    additional sponsors, adding, 40-40, S40-30, H40-30
    enrolled legislation, responsibilities, H40-240
    fiscal note rebuttal, 40-110
    fiscal note requirements, 40-100
    introduction of legislation, duties, H40-40
    joint—change prohibited, 40-40
    clerical corrections—notification and objection, 10-120
    committee bills, 40-40
    committee, consideration of bill—notification, S30-70, H30-50
    Committee of the Whole amendments, H40-150
    committees as, S30-150
    consent for committee to take up referred legislation, S30-70, H30-50
    cosponsors, 40-40, S30-70, S40-30, H30-50, H40-30
    enrolled legislation, responsibilities, 40-160
    fiscal note rebuttal, 40-110

Sponsors, bill (continued)
- forms, 40-40, S40-30, H40-30
- joint sponsors, 40-40, H40-30
- preintroduced legislation, 40-40
- request to dispose of bill, S30-70, H30-50

Stand at ease, House, H50-230

Standing committees, S30-20, H30-10, See also Committees, generally
- absentee or proxy votes, S30-70, S30-100, H30-50
- amendments by second house, 40-150
- appointments to, S30-10, H30-10
- chair/chairman, S10-130, S30-20, H30-10, H30-20, H30-50
- consent calendar, eligibility and placement on—procedure, H40-110
- drafting requests, 40-40, S30-150
- interim committees, appointment, 30-70
- introduction of legislation, 3/4 vote required, S30-150
- joint committee, bill heard in—referral to, S30-60
- minutes, S10-130, H30-20
- pairing of votes prohibited in, S30-100
- referral to, H40-80, H(Appendix)
- question put first, H60-70
- referred legislation, consent to take up, S30-70, H30-50
- reports, S50-120, H50-20, H40-100
- consent calendar, motion to place on, H40-110
- governor’s nominations for appointments, S70-30
- order of business, S50-20, S50-120, H40-100, H50-60
- sponsors, bill—additional added prior to, S40-30
- scheduling of, S30-20, H30-10
- senate bills in house, H30-50
- secretaries, S10-130, H10-90
- subcommittees, appointment to, H30-20
- testimony, S30-80, H30-60
- tie vote in, H30-50

State Administration and Veterans’ Affairs Interim Committee, 30-70
State Administration, Committees on, 30-70, S30-20, H30-10, H(Appendix)
State debt, creation—motion to approve bill to authorize, H50-160

Statutes
- amendment, 10-130, 40-80
- enrolled bills, 40-160
- effective dates, 40-30
- enactment, 40-90, 40-210
- committee referral or rereferral required, S30-60
- vote requirement, 10-140
- extension of provisions, 40-80
- material copied incorrectly from, correction, 10-120
- repeal, 10-130
- reproduction of full statute, 40-80

Subcommittees, S30-60, H30-40, See also Committees, generally
- appointment to, S30-50, H30-20
- appropriations, house committee on — of, H30-10, H40-180
- Committee of the Whole, appointment by—prohibited, S50-170
- minutes and exhibits, H10-100

Subject matter of bill
- similar bills, prohibited when, 40-70
- substitute bills, 40-120

Subpoenas, S10-50, H10-20
Substitute bills, 40-120
Supplies, S10-80, S10-150

Tan-colored bills, 40-150
Taxation, Committees on, 30-70, S30-20, H30-10, H(Appendix)
Tax bills, See Revenue bills
Telephone use, 10-70
Third reading of bills
agenda
- add legislation, motion to, H40-130, H50-160
- amendment or addition to, H10-20, H40-130
Third reading of bills (continued)

agenda (continued)

amendments
prohibited, S40-40, H40-200
second house, 40-150, 40-170, S50-110, S50-230, H40-220
calendar, placement on, 40-150, H40-190
conference committee reports, S50-130, H40-230
consent calendar legislation, H40-110
debate prohibited, H40-200
engrossed legislation, placement on, 40-150, S50-190, H40-190
failure to pass, H40-200
governor’s recommendations for amendments, S50-240, H40-250
majority vote, questions or legislation requiring prior to third reading, S50-110, H40-120
order of business, S50-20, S50-190, H40-110, H50-60
placement on, S40-60, S50-190, S50-230, H40-190, H40-200
progression through house, H40-80
question, statement of, S50-190, H40-200
reconsider, motion to, S50-90
resolutions, house—not required, H40-20
second house, 40-180
amendments, 40-150, 40-170, S50-110, S50-230, H40-200, H40-220
vote requirements, 10-140, 10-150, 40-170, S50-190, H40-200
votes
absentee, not allowed, H50-220
recording, 10-150, H10-140

Three readings of legislation required, 40-130, S40-40

Time. See also Deadlines
adjournment, duration, 10-40
committee
hearings, notice, S30-60
meetings and notice of, S30-60, H30-40
membership, notice of change, S30-10
Committee of the Whole
debate, H40-170
second reading consideration, allowed after adoption of committee report and before, S40-60, H40-140
consent calendar legislation, posting, H40-110
debate
close debate, to, H40-170, H50-80
Committee of the Whole, H40-170
general appropriations bill, on, H40-180
question debatable on which there has been no debate, debate when previous question ordered for, S50-80
effective dates—appropriations, joint resolutions, and statutes, 40-30
enrolled bills—signing, journal entry, or certification, 40-160, H40-240
floor admittance, S20-50
governor’s nominations for appointments, request for separate consideration of nominee(s) and issuance of committee
reports, S70-30
legislative day ends when, 10-20, H10-160
lobbying limitations, S20-50, H20-20
meeting of each house, 10-10
motions, debatable—debate on, H50-80
president of the senate, absence after 85th day—effect, S10-60
question of privilege
time for addressing house, H20-20
time for addressing senate, S20-30
recess, duration, 10-40
reconsider, motion to
immediate disposal when—exception, S50-90
reports of committees, following adoption, S50-120
rules
notice for adoption or amendment of senate rules, S60-10
resolutions for house rules, report on, H70-10
second reading consideration, allowed after adoption of committee report and before, S40-60, H40-140

Title of legislation
errors caused by amendment, correction, 10-120
introduced legislation, public posting by, S40-20
journal index, entry, H10-140
Montana code annotated sections amended or repealed, stated in, 10-130
reading by, 40-130, S40-40, S50-140, S50-190
substitute bills, 40-120

Tobacco settlement trust fund, motion to approve bill to appropriate principal, S-Appendix A, H50-160
Transmittal of legislation, 40-190, 40-200
   between houses, 40-140, 40-190
consent calendar legislation, H40-110
deadlines, 30-60, 40-200
   committee hearing notice requirements, applicability, S30-60
enrolled bills, 40-160
receipt for, from other house, 40-190
   acknowledgment commences time limit for consideration, S40-20, H40-50
   acknowledgment constitutes introduction, S40-20, H40-40
second house, by, 40-180
secretary of state, to, 40-60
secretary of the senate, by, S10-140
senate legislation to house, treatment by house, H40-40, H40-50, H40-70, H40-210
resolutions, H40-20
revenue bills, 40-200
revenue-estimating resolution, 30-60
rules, new rules, or rule amendments, 60-10
Transportation, Committee on, H30-10, H(Appendix)
Twelve orders of business, S50-20, H50-60

U

Unfinished business, S50-20, H50-60

V

Veto by governor, See Governor
Visitors, S20-50, S30-80, H20-40, H30-60, H60-110
Votes and voting
   absentee, H50-220
      not allowed, when, H50-50, H50-70, H50-220
adverse committee reports, on, 10-150
amendments to legislation, 40-170, S50-150, S50-230, H40-220
appeal of ruling of presiding officer, S-Appendix A, H50-160
by electronic means, H50-200
call of the house, H50-30, H50-40, H50-160
call of the senate, S50-220, S-Appendix A
change a vote
   motion to, S50-60, S50-200, H50-90, H50-210, H60-110
   roll call vote, not allowed after decision announced, S50-200
   third reading, S50-190
clerical correction, on objection, 10-120
Committee of the Whole, public record, 10-150, H10-150
committees, S30-70, H30-50
   absentee or proxy, authorization, S30-100, H30-50
   bill introduction, 3/4 vote, S30-150, H30-50
   drafting requests, 3/4 vote of committee, S30-150, H30-50
   joint committees, in, 30-20, 30-50
   members, privileges, S30-70, H30-50
   minutes, entry, S30-60, H30-40
   pairing prohibited in standing, S30-100
   public record, 10-150
conference committees, in, 30-20
   reports not allowed when vote being taken, S50-120
   reports on legislation requiring more than majority vote, S50-130, H40-230
consent calendar, for eligibility and placement on, H30-50, H40-110
consent calendar legislation, on, H40-110
constitutional amendments, Montana, 10-140, S50-110
   motion to approve bill proposing, S-Appendix A, H50-160
counting of, S10-100, S10-120, H10-60, H10-80
   electronic means, by, H50-200
   electronic voting system, S50-190, S50-200, H50-200, H50-210
excused from, S50-180, S50-210
final passage, on, 10-140, 10-150, S50-110, S50-130, H40-120, H40-220, H40-230
   recording of votes, H10-140
governor
   recommendations for amendments, S50-240, H40-250
   veto by, to override, 40-210, 40-220, S50-250, S-Appendix A, H40-260, H50-160
   joint committees, 30-20, 30-50
   journal entry, 10-140, 10-150, S10-170, S50-150, S50-200, H10-140, H40-110, H50-200, H50-210
   spread a vote on the journal, motion to, H50-160
Votes and voting (continued)

majority
  agenda for second or third reading, amendment, H40-130
  amendments to bills requiring more than, 40-170
  appeal of call of member to order, H20-80
  arrest of members, S50-220
  bills becoming laws, required, 10-140
  call of the house, H50-30
  call of the senate, S50-220

committees
  absentee or proxy voting, authorization, S30-100, H30-50
  bill introduction, 3/4 vote of committee, S30-150, H30-50
  drafting requests, 3/4 vote of committee, S30-150, H30-50
  finance and claims, committee on—drafting request, S30-150
  motions, adoption, S30-70, H30-50
  take from the table, to, S30-70, H30-50

conference committee reports on legislation requiring more than majority vote, S50-130, H40-230

constitutional amendments, Montana, 10-140, S50-110

general appropriations bill, to reopen a section, H40-180

governor’s recommendations for amendments, S50-240, H40-250

legislation requiring other than, S50-130, S50-240, H40-120, H40-230, H40-250

motions, to decide, S30-70, H30-50, H50-70

order of business, new—revert or pass to, S50-20

previous question, adoption of motion for, H50-150

questions requiring other than, S50-110, S-Appendix A, H50-160

question, to indefinitely postpone, S50-50

recess, H50-230

required when, 10-140, H40-120

rereference to committee, S50-190, H40-80

overturning, H(Appendix)

rules
  adoption of house rules, H70-10
  adoption or amendment of senate rules, S60-10

third reading, failure to approve—effect, H40-200

motions
  adjourn or recess, to—effect of vote, H60-40
  change a vote, to, S50-200, H50-90, H50-160, H50-210, H60-110

Committee of the Whole, made in—public record, 10-150

decide motions, vote to, S30-70, H30-50, H50-70, H50-200

majority vote, questions requiring other than, S-Appendix A, H50-160

procedural, voice vote, H50-200

relating to voting, nondebatable, S50-60, H50-90, H60-20

table, to—effect of vote, H60-50

withdrawal of motion prior to vote, S50-40, H50-130

1/3 vote, call of the house with a quorum, H50-40, H50-160

pairing of, S30-100, S50-210

present and, H50-160

absentee not allowed during, H50-220

presiding officer, voting by, S10-40

appeal of ruling by, S-Appendix A, H50-160

previous question
  call for, effect, S50-80

motion for, H50-150

proxy votes, S30-70, S30-100, H30-50

public record, 10-150, H10-150

questions, to decide, S50-180, H50-200

reconsideration of vote, H50-170, H60-40, H60-50

reconsideration vote on specific issue, one per day, H50-170

record a vote, motion to, H50-210

recording, 10-140, 10-150, S10-170, S30-70, S50-150, S50-180—S50-200, H10-140, H10-150, H30-50, H50-200, H50-210

required of members, S50-10, H50-200

roll call vote
  adverse committee reports, 10-150

change or explanation of vote, S50-200

Committee of the Whole, motions made in, 10-150

consent calendar legislation, H40-110

journal entry, 10-150, S10-170, H10-140, H40-110

minutes, entry in, 10-150

question, to indefinitely postpone, S50-50

recording, 10-150, S10-170, H10-140, H40-110

request for, 10-150, S50-200

veto by governor, motion to override, 40-220

rules, appeal of presiding officer’s interpretation—motion to, S50-170
Votes and voting (continued)

rules, committees on—in, 30-20
reports not allowed when vote being taken, S50-120
second reading, S50-180, S50-230, H40-140
spread a vote on the journal, motion to, H50-160
standing vote, S50-180
third reading, 10-140, 10-150, 40-170, S50-190, H40-200
absentee votes not allowed, H50-220
recording of votes, 10-150, H10-140
3/5 vote
adverse committee reports, motion to
overturn, H50-160
reject, H40-100
agenda for second or third reading, motion to add legislation, H40-130, H50-160
highway revenue, to approve bill to appropriate for purposes other than therein described, S-Appendix A, H50-160
remove legislation from normal progress through house and reassign, H50-160
rerefer, motion to, H40-80, H50-160
rereferral to committee, overturning, H(Appendix)
withdraw a bill from committee, motion to, H40-90, H50-160
3/4 vote
coal severance tax trust fund, motion to approve bill to appropriate principal, S-Appendix A, H50-160
committees, drafting requests or introduction of legislation, S30-150, H30-50
noxious weed management trust fund, motion to appropriate principal of, S-Appendix A, H50-160
standing committees, to draft or introduce legislation, S30-150
tie vote, H30-50
2/3 vote
call of the house
lifted by vote, H50-30, H50-40
lift, motion to, H50-160
call of the senate
lift, motion to, S-Appendix A
remove, motion to, S50-220
closure, motion to call for, H40-170, H50-160
constitutional amendments, Montana, 10-140, S50-110
motion to approve bill proposing, S-Appendix A, H50-160
immunity from suit—motion to approve bill conferring, S-Appendix A, H50-160
leave with cause, approval during call of the house, H50-50
pairing of votes, S50-210
reconsider, motion to—to take from the table, S50-90
rules
amendment of house rules, H70-10
motion to amend or suspend, S-Appendix A, H50-160
suspension, 60-10, S60-10, H70-30
state debt, creation—motion to approve bill to authorize, H50-160
tobacco settlement trust fund, motion to approve bill to appropriate principal, S-Appendix A, H50-160
transmittal of bills or amendments after deadline, for consideration by receiving house, 40-200
veto by governor
motion to override, 40-220, S50-250, S-Appendix A, H40-260, H50-160
to override, 40-210
unanimous vote
consent calendar, for eligibility and placement on, H30-50, H40-110
speak more than once on debatable motion, H50-80
motion to, H50-160
speak more than twice, to, S50-30
voice vote, S50-180
vote, change—motion to, H50-160
veto by governor, to override, 40-210, 40-220, S50-250, S-Appendix A, H40-260, H50-160
voice vote, S50-180, H50-200

W

Whips, S10-100, S10-120, H10-10, H10-60, H10-80, H50-220
White paper, introduced bills, 10-130
Writs and processes, service, H10-110

Y

Yellow-colored bills, 40-140