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As of: November 9, 2018 (10:51am)

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\*\*\*\* House Resolution No. \*\*\*\*  
Introduced By \*\*\*\*\*  
By Request of the \*\*\*\*\*

A Resolution of the House of Representatives of the State of Montana adopting the house rules.

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

That the following House Rules be adopted:

**RULES OF THE MONTANA**  
**HOUSE OF REPRESENTATIVES**  
**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.

(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.

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

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

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

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

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

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

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

24 (4) The Speaker shall sign all necessary certifications by  
25 the House, including enrolled bills and resolutions, journals,  
26 subpoenas, and payrolls.

27 (5) The Speaker shall arrange the agendas for second and

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1 third readings each legislative day. Representatives may amend  
2 the agendas as provided in H40-130.

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

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

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

12 **H10-30. Speaker-elect.** During the transition period between  
13 the party organization caucuses and the election of House  
14 officers, the Speaker-elect has the responsibilities and  
15 authority appropriate to organize the House. Authority includes  
16 approving pre-session expenditures.

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

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

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

- 1 (2) helping the Speaker develop the calendar;
- 2 (3) assisting the Speaker with program development, policy
- 3 formation, and policy decisions; and
- 4 (4) presiding over the majority caucus meetings; and
- 5 (5) other duties as assigned by the caucus.

6 **H10-60. Majority Whip.** The duties of the majority whip may  
7 include but are not limited to:

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

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

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

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

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

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

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

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

9           (4) The Speaker and majority and minority leaders may each  
10 appoint an assistant.

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

14           (1) supervise all House employees;

15           (2) have custody of all records and documents of the House;

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

27           **H10-110. Duties of Sergeant-at-Arms.** The Sergeant-at-Arms

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1 shall:

2 (1) under the direction of the Speaker and the Chief Clerk,  
3 have charge of and maintain order in the House, its lobbies,  
4 galleries, and hallways and all other rooms in the Capitol  
5 assigned for the use of the House;

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

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

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

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

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

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

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

23 (9) supervise the doorkeeper; and

24 (10) supervise the pages.

25 **H10-120. Legislative aides.** (1) A legislative aide is a  
26 person specifically designated by a representative to assist that  
27 representative in performing legislative duties. A representative

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1 may sponsor one legislative aide a session by written  
2 notification to the Sergeant-at-Arms.

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

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

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

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

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

17 (a) the taking and subscription of the constitutional oath  
18 by representatives (Montana Constitution, Art. III, Sec. 3);

19 (b) committee reports;

20 (c) messages from the Governor;

21 (d) messages from the Senate;

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

24 (f) the introduction of legislation in the House;

25 (g) consideration of legislation subsequent to  
26 introduction;

27 (h) on final passage of legislation, the names of the

1 representatives and their vote on the question (Montana  
2 Constitution, Art. V, Sec. 11);

3 (i) roll call votes; and

4 (j) upon a request by two representatives before a vote is  
5 taken, the names of the representatives and their votes on the  
6 question.

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

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

13 (5) The Speaker shall authenticate the House journal after  
14 the close of the session.

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

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

23 **H10-160. Duration of legislative day.** A legislative day ends  
24 either 24 hours after the House convenes for that day or at the  
25 time the House convenes for the following legislative day,  
26 whichever is earlier. (See Joint Rule 10-20.)

27 **CHAPTER 2**



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**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 -- definitions.** (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) (a) Responses to parliamentary inquiries and decisions of recognition may not be appealed.

(b) Any representative may, after the Speaker responds to a parliamentary inquiry, raise a question of order or privilege.

(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:

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

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

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

7 (5) "Parliamentary inquiry" means a request for information  
8 regarding some procedure concerning some questions before the  
9 house.

10 (6) "Questions of order and privilege" means those questions  
11 as provided for in subsection (3), that enforce the House rules,  
12 maintain the order of the House, and that protect the integrity,  
13 rights, and privileges of the House and its members.

14 **H20-30. Limits on lobbying.** Lobbying on the House floor and  
15 in the anteroom is prohibited during a daily session, 2 hours  
16 before the session, and 2 hours after the session. A registered  
17 lobbyist is prohibited from the house floor.

18 **H20-40. Admittance to the House floor.** (1) The following  
19 persons may be admitted to the House floor during a daily  
20 session: present legislators and former legislators who are not  
21 registered lobbyists; legislative employees necessary for the  
22 conduct of the session; registered media representatives; and  
23 members' spouses and children. The Speaker may allow exceptions  
24 to this rule.

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

27 **H20-50. Dilatory motions or questions -- appeal.** The House

1 has a right to protect itself from dilatory motions or questions  
2 used for the purpose of delaying or obstructing business. The  
3 presiding officer shall decide if motions (except a call of the  
4 House) or questions are dilatory. This decision may be appealed  
5 to the House.

6 **H20-60. Lobbying by employees -- sanctions.** (1) A  
7 legislative employee or aide of either house is prohibited from  
8 lobbying, although a legislative committee may request testimony  
9 from a person so restricted.

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

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

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

25 (2) The member called to order may move for an appeal to  
26 the House and if the motion is seconded by two members, the  
27 matter must be submitted to the House for determination by

1 majority vote. The motion is nondebatable.

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

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

10 **CHAPTER 3**

11 **Committees**

12 **H30-05. Interim Committee Appointments.** The speaker shall,  
13 with the approval of a majority of the members of the House  
14 present and voting, appoint the membership of interim committees  
15 no later than 10 legislative days before the scheduled 90th  
16 legislative day.

17 **H30-10. House standing committees -- appointments --**  
18 **classification.** (1) (a) (i) The Speaker shall determine the total  
19 number of members and after good faith consultation with the  
20 minority leader shall, with the approval of a majority of the  
21 members of the House present and voting, appoint the chairs, vice  
22 chairs, and members to the standing committees.

23 (ii) A majority of the members of the House present and  
24 voting may, by motion, amend or modify committee membership  
25 appointments.

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

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

2 (a) class one committees:

3 (i) Appropriations;

4 (ii) Business and Labor;

5 (iii) Human Services;

6 ~~(iii)~~ (iv) Judiciary;

7 ~~(iv)~~ (v) State Administration; and

8 ~~(v)~~ (vi) Taxation;

9 (b) class two committees:

10 (i) Education;

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

12 ~~(iii) Human Services;~~

13 ~~(iv)~~ (iii) Natural Resources; and

14 ~~(v)~~ (iv) Transportation;

15 (c) class three committees:

16 (i) Agriculture;

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

18 (iii) Local Government; and

19 (d) on call committees:

20 (i) Ethics;

21 (ii) Rules; and

22 (iii) Legislative Administration.

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

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

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

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

15           (7) The Speaker may, in the Speaker's discretion or as  
16 authorized by the House, create and appoint select committees,  
17 designating the chairman and vice chairman of the select  
18 committee. Select committees may request or receive legislation  
19 in the same manner as a standing committee and are subject to the  
20 rules of standing committees.

21           (8) The Speaker shall appoint all conference, select, and  
22 special committees with the advice of the majority leader and  
23 minority leader.

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

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

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1 (b) maintain order and decide all questions of order  
2 subject to appeal to the committee;

3 (c) supervise and direct staff of the committee;

4 (d) have the committee secretary keep the official record  
5 of the minutes;

6 (e) sign reports of the committee and submit them promptly  
7 to the Chief Clerk;

8 (f) appoint subcommittees to perform on a formal or an  
9 informal basis as provided in subsection (2); and

10 (g) inform the Speaker of committee activity.

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

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

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

25 **H30-40. Meetings -- purpose -- notice -- minutes.** (1) All  
26 meetings of committees must be open to the public at all times,  
27 subject always to the power and authority of the chairman to

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1 maintain safety, order, and decorum. The date, time, and place of  
2 committee meetings must be posted.

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

4 (a) a public hearing at which testimony is to be heard and  
5 at which official action may be taken on bills, resolutions, or  
6 other matters;

7 (b) a formal meeting at which the committees may discuss  
8 and take official action on bills, resolutions, or other matters  
9 without testimony; or

10 (c) a work session at which the committee may discuss  
11 bills, resolutions, or other matters but take no formal action.

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

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

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

26 (6) All meetings of committees must be recorded and the  
27 minutes must be available to the public within a reasonable time



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1 after the meeting. The official record must contain at least the  
2 following information:

3 (a) the time and place of each meeting of the committee;

4 (b) committee members present, excused, or absent;

5 (c) the names and addresses of persons appearing before the  
6 committee, whom each represents, and whether the person is a  
7 proponent, opponent, or other witness;

8 (d) all motions and their disposition;

9 (e) the results of all votes;

10 (f) references to the recording log, sufficient to serve as  
11 an index to the original recording; and

12 (g) testimony and exhibits submitted in writing.

13 **H30-50. Procedures -- absentee or proxy voting -- member**

14 **privileges.** (1) The chairman shall notify the sponsor of any bill  
15 pending before the committee of the time and place it will be  
16 considered.

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

22 (3) (a) Subject to subsection (3)(b), the committee shall  
23 act on each bill in its possession:

24 (i) by reporting the bill out of the committee:

25 (A) with the recommendation that it be referred to another  
26 committee;

27 (B) favorably as to passage; or

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1 (C) unfavorably; or

2 (ii) by tabling the measure in committee.

3 (b) Except as provided in subsection (3)(c), at the written  
4 request of the sponsor made at least 48 hours prior to a  
5 scheduled hearing, a bill may be withdrawn by the sponsor without  
6 a hearing. A bill may not be reported from a committee without a  
7 hearing.

8 (c) A bill may not be withdrawn by the sponsor after a  
9 hearing.

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

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

20 (6) In reporting a measure out of committee, a committee  
21 shall include in its report:

22 (a) the measure in the form reported out;

23 (b) the recommendation of the committee;

24 (c) an identification of all substantive changes; and

25 (d) a fiscal note, if required and available.

26 (7) If a measure is withdrawn from a committee and brought  
27 to the House floor for debate on second reading on that day

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1 without a committee recommendation, the bill does not include  
2 amendments formally adopted by the committee because committee  
3 amendments are merely recommendations to the House that are  
4 formally adopted when the committee report is accepted by the  
5 House.

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

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

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

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

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

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

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

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

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

12           (b) to offer motions;

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

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

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

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

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

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

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



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

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

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

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

18           **H40-30. Cosponsors.** (1) Prior to submitting legislation to  
19 the Chief Clerk for introduction, the chief sponsor may add  
20 representatives and senators as cosponsors. A legislator shall  
21 sign the cosponsor form attached to the legislation in order to  
22 be added as a cosponsor.

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

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

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

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

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

26           **H40-50. First reading -- receipt of Senate legislation.**  
27 Legislation properly introduced or received in the House must be

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1 announced across the rostrum and public notice provided. This  
2 announcement constitutes first reading, and no debate or motion  
3 is in order except that a representative may question adherence  
4 to rules. Acknowledgment by the Chief Clerk of receipt of  
5 legislation transmitted from the Senate commences the time limit  
6 for consideration of the legislation. All legislation received by  
7 the House may be referred to a committee prior to being read  
8 across the rostrum.

9 **H40-60. One reading per day -- exception.** Except on the  
10 final legislative day, legislation may receive no more than one  
11 reading per legislative day. On the final legislative day,  
12 legislation may receive more than one reading.

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

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

20 **H40-80. Rereferral -- Appropriations Committee rereferral --**  
21 **normal progression.** (1) ~~Except as provided in subsection (2),~~  
22 ~~legislation~~ Legislation that is in the possession of the House  
23 and that has not been finally disposed of may be rereferred to a  
24 House committee by House motion approved by ~~not less than~~  
25 ~~three-fifths~~ a majority of the members present and voting.

26 (2) (a) ~~Legislation that is in the possession of the House~~  
27 ~~and that has been reported from a committee with a do pass or be~~



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1 ~~concurrred in recommendation may be rereferred to a House~~  
2 ~~committee by a majority vote.~~

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

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

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

19 **H40-90. Legislation withdrawn from committee.** Legislation  
20 may be withdrawn from a House committee by House motion approved  
21 by ~~not less than three-fifths~~ a majority of the members present  
22 and voting.

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

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

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

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

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

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

25 (2) Other legislation may be placed on the consent calendar  
26 by agreement between the Speaker and the minority leader  
27 following a positive recommendation by a standing committee. The

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1 legislation must be sent to be processed as a second reading  
2 version but must be specifically announced and posted as a  
3 "consent calendar" item.

4 (3) Legislation must be posted immediately (as soon as it  
5 is received appropriately printed) on the consent calendar and  
6 must remain there for 1 legislative day before consideration  
7 under Order of Business No. 11, special orders of the day. At  
8 that time, the presiding officer shall announce consideration of  
9 the consent calendar and allow "reasonable time" for questions  
10 and answers upon request. No debate is allowed.

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

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

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

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

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

1 vote.

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

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

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

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

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

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

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1 fails in the Committee of the Whole, the obverse, i.e., a  
2 recommendation that the bill "do pass" or "be concurred in", is  
3 considered to have passed.

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

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

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

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

1 is submitted for that check.

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

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

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

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

14 **H40-160. Motions in the Committee of the Whole -- quorum**

15 **required.** (1) When the House resolves itself into a Committee of  
16 the Whole, the only motions in order are to:

17 (a) recommend passage or nonpassage;

18 (b) recommend concurrence or nonconcurrence (Senate  
19 amendments to House legislation);

20 (c) amend;

21 (d) reconsider as provided in H50-170;

22 (e) pass consideration;

23 (f) call for cloture;

24 (g) change the order in which legislation is placed on the  
25 agenda; and

26 (h) rise, rise and report, or rise and report progress and  
27 beg leave to sit again.

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

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

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

10           **H40-170. Limits on debate in the Committee of the Whole.** (1)

11 Except as provided in H40-180, a representative may not speak  
12 more than once on the motion and may speak for no more than 5  
13 minutes. The representative who makes the motion may speak a  
14 second time for 5 minutes in order to close.

15           (2) (a) Except as provided in subsection (2)(b), after at  
16 least two proponents and two opponents have spoken on a question  
17 and 30 minutes have elapsed from the point in time that the  
18 sponsor's opening remarks on the motion end and debate on the  
19 motion begins, a motion to call for cloture is in order.

20           (b) (i) The 30-minute tolling requirement for a cloture  
21 motion made pursuant to subsection (2)(a) does not include time  
22 spent on floor debate of a substitute motion to amend the  
23 original question.

24           (ii) Each substitute motion to amend the original question  
25 is subject to a cloture motion and the cloture requirements  
26 provided for in this rule.

27           (iii) Once a substitute motion to amend is dispensed with

1 and there are no other substitute motions to amend, the 30-minute  
2 tolling requirement for the original question pursuant to  
3 subsection (2) (a) resumes from the point in time in which the  
4 first substitute motion to amend was made.

5 (c) Approval by not less than two-thirds of the members  
6 present and voting is required to sustain a motion for cloture.  
7 Notwithstanding the passage of a motion to end debate, the  
8 sponsor of the motion on which debate was ended may close.

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

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

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

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

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

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

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



1 considered.

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

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

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

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

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

26 **H40-200. Third reading.** (1) All bills, joint resolutions,  
27 and Senate amendments to House bills and joint resolutions

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1 passing second reading must be placed on third reading the day  
2 following the receipt of the engrossing or other appropriate  
3 printing report.

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

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

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

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

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

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

1 Senate to appoint a like committee.

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

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

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

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

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

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

26 (2) The chief sponsor of the legislation shall examine the  
27 enrolled legislation and, if it has no enrolling errors, shall,

1 within 1 legislative day, certify the legislation as correctly  
2 enrolled.

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

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

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

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

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

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

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

24 **CHAPTER 5**

25 **Floor Actions**

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

1 every sitting of the House.

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

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

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

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

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

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

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

27 **H50-50. Leave with cause during call of the House.** (1)

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1 During a call of the House, a representative with an overriding  
2 medical or personal reason may request a leave with cause.

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

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

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

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

- 14 (1) communications and petitions;
- 15 (2) reports of standing committees;
- 16 (3) reports of select committees;
- 17 (4) messages from the Senate;
- 18 (5) messages from the Governor;
- 19 (6) first reading and commitment of bills;
- 20 (7) second reading of bills;
- 21 (8) third reading of bills;
- 22 (9) motions;
- 23 (10) unfinished business;
- 24 (11) special orders of the day; and
- 25 (12) announcement of committee meetings.

26 **H50-70. Motions.** (1) Any representative may propose a motion  
27 allowed by the rules for the order of business under which the

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1 motion is offered for the consideration of the House. Unless  
2 otherwise specified in rule or law, a majority of representatives  
3 voting is necessary and sufficient to decide a motion.

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

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

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

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

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

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

21 (2) The following motions are nondebatable:

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

23 (b) for a call of the House;

24 (c) to recess or rise;

25 (d) for parliamentary inquiry;

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

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

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- 1 (g) to amend a nondebatable motion;
- 2 (h) to divide a question;
- 3 (i) to suspend the rules;
- 4 (j) all incidental motions, such as motions relating to
- 5 voting or of a general procedural nature;
- 6 (k) to appeal a call to order;
- 7 (l) to question the lack of a quorum pursuant to H50-20;
- 8 and
- 9 (m) to change a vote pursuant to H50-210.

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

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

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

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

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

- 24 (a) to adjourn (nondebatable H50-90 and H50-250);
- 25 (b) for a call of the House (nondebatable H50-90);
- 26 (c) to recess or rise (nondebatable H50-90);
- 27 (d) for a question of privilege;



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- 1 (e) to table (nondebatable H50-90);
- 2 (f) to call for the previous question or cloture;
- 3 (g) to postpone consideration to a day certain;
- 4 (h) to refer to a committee; and
- 5 (i) to propose amendments.

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

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

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

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

14 **H50-140. Dividing a question.** Except as provided in  
15 H40-180(3), a representative may request to divide a question as  
16 a matter of right if it includes two or more propositions so  
17 distinct that they can be separated and if at least one  
18 substantive question remains after one substantive question is  
19 removed. The request is nondebatable under H50-90. The presiding  
20 officer may rule that a question is nondivisible. The ruling of  
21 the chair may be appealed as provided in H50-160(14) or (16) and  
22 H70-50. For an appeal of a ruling of the presiding officer, the  
23 question for the house must be stated as, "Shall the ruling of  
24 the chair be upheld?".

25 **H50-150. Previous question -- close.** (1) If a majority of  
26 representatives present and voting adopts a motion for the  
27 previous question, debate is closed on the question and it must

1 be brought to a vote. The Speaker may not entertain a motion to  
2 end debate unless at least one proponent and one opponent have  
3 spoken on the question.

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

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

9 **100 House Members**

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

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

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

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

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

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

1 (two-thirds).

2 **Members Present and Voting**

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

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

8 ~~(3) a motion to rerefer a bill from one committee to  
9 another pursuant to H40-80(1) (three-fifths);~~

10 ~~——(4) a motion to withdraw a bill from a committee pursuant to  
11 H40-90 (three-fifths);~~

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

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

18 (7) a motion to change a vote pursuant to H50-210  
19 (unanimous);

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

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

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

27 (11) a motion to overturn an adverse committee report

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1 pursuant to H40-100(2) (three-fifths);

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

4 (13) a motion to record a vote in the journal (two  
5 representatives);

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

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

10 (16) a motion to appeal the presiding officer's  
11 interpretation of the rules to the House Rules Committee pursuant  
12 to H70-50 (15 representatives).

13 **Entire Legislature**

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

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

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

27 (3) A motion for reconsideration, unless tabled or replaced

1 by a substitute motion, must be disposed of when made.

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

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

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

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

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

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

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

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

26 (2) The House may, without objection, use a voice vote on  
27 procedural motions that are not required to be recorded in the

1 journal. If a representative rises and objects, the House shall  
2 record the vote.

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

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

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

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

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

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

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

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



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**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;



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- 1 (d) for a question of privilege;
- 2 (e) to table or take from the table;
- 3 (f) to call for the previous question or cloture;
- 4 (g) to postpone consideration to a day certain;
- 5 (h) to refer or rerefer; and
- 6 (i) to propose amendments.

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

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

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

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

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

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

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

27 (2) After a vote on a motion to table is carried or fails,

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1 the motion cannot be reconsidered.

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

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

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

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

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

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

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

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

26 (1) moving House bills or resolutions on second reading,  
27 "Mister/Madam Chairman, I move that when this committee does rise

1 and report after having under consideration House Bill \_\_\_\_, that  
2 it recommend the same (do pass)/(do pass as amended)/(do not  
3 pass)."

4 (2) moving Senate bills and Senate amendments to House  
5 bills, "Mister/Madam Chairman, I move that when this committee  
6 does rise and report after having under consideration Senate Bill  
7 \_\_\_/Senate amendments to House Bill \_\_\_\_, that it recommend the  
8 same (be concurred in)/(be not concurred in)."

9 (3) Committee of the Whole floor amendments, "Mister/Madam  
10 Chairman, I move that House Bill \_\_\_/Senate Bill \_\_\_\_ be amended  
11 and request that the amendment be posted and deemed read."

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

14 (5) changing a vote, "Mister Speaker, I would like my vote  
15 changed on House Bill \_\_\_/Senate Bill \_\_\_\_ from (yes/no) to  
16 (yes/no). The question on the bill was ( ) with a vote tally of  
17 \_\_\_\_ for and \_\_\_\_ against."

18 (6) question another representative, "Mister/Madam  
19 Speaker/Chairman, would Representative \_\_\_\_ yield to a question?"

## 20 CHAPTER 7

### 21 Rules

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

25 (2) After adoption of the House rules, ~~two-thirds of the~~  
26 ~~representatives voting must vote in favor of the question to~~  
27 ~~amend the rules~~ a motion to amend or adopt a rule of the House

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1 must be referred to the Rules Committee without debate. A rule of  
2 the House may be amended or adopted only with the concurrence of  
3 a majority of the House and after 1 day's notice.

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

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

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

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

15 **H70-40. Supplementary rules.** Mason's Manual of Legislative  
16 Procedure (2010) governs House proceedings in all cases not  
17 covered by House rules.

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

25 **H70-60. Joint rules superseded.** A House rule, insofar as it  
26 relates to the internal proceedings of the House, supersedes a  
27 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.~~

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1 ~~—— Ethics: Ethical standards applicable to members, officers,~~  
2 ~~and employees of the House and ethical standards for lobbyists.~~  
3 ~~—— Energy, Technology, and Federal Relations: Energy generation~~  
4 ~~and transmission; Indian reservations; international relations;~~  
5 ~~interstate cooperation and compacts, except those relating to law~~  
6 ~~enforcement and water compacts; relations with the federal~~  
7 ~~government; relations with sovereign Indian tribes;~~  
8 ~~telecommunications; technology; and utilities other than~~  
9 ~~municipal utilities.~~  
10 ~~—— Fish, Wildlife, and Parks: Fish; fishing; hunting; outdoor~~  
11 ~~recreation; parks other than those owned by local governments;~~  
12 ~~relations with federal and state governments concerning fish and~~  
13 ~~wildlife; Virginia City and Nevada City; water sports; and~~  
14 ~~wildlife.~~  
15 ~~—— Human Services: Developmentally disabled persons; disabled~~  
16 ~~persons; health; health and disability insurance; housing; human~~  
17 ~~services; mental illness or incapacity; retirement other than~~  
18 ~~pensions and pension plans; senior citizens; tobacco regulation~~  
19 ~~other than taxation; and welfare.~~  
20 ~~—— Judiciary: Abortion; arbitration and mediation; civil~~  
21 ~~procedure; constitutional amendments; consumer protection;~~  
22 ~~contracts; corrections; courts; criminal law; criminal procedure;~~  
23 ~~discrimination; evidence; family law; fees imposed by or relating~~  
24 ~~to the court system; guaranty; human rights; impeachment;~~  
25 ~~indemnity; judicial system; landlord and tenant; law enforcement;~~  
26 ~~liability and immunity from liability; minors; practice of law;~~  
27 ~~privacy; property law; religion other than in schools; state law~~

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1 ~~library; surety; torts; and trusts and estates.~~  
2 ~~—— Legislative Administration: Interim committees and matters~~  
3 ~~related to legislative administration, staffing patterns,~~  
4 ~~budgets, equipment, operations, and expenditures.~~  
5 ~~—— Local Government: Cities; consolidated governments;~~  
6 ~~counties; libraries and parks owned or operated by local~~  
7 ~~governments; local development; local government finance and~~  
8 ~~revenue; local government officers and employees, local planning;~~  
9 ~~special districts and other political subdivisions, except school~~  
10 ~~districts; towns; and zoning.~~  
11 ~~—— Natural Resources: Board of Land Commissioners; dams, except~~  
12 ~~for electrical generation; emission standards; environmental~~  
13 ~~protection; extractive activities; fires and fire protection,~~  
14 ~~except for a local government fire department; forests and~~  
15 ~~forestry; hazardous waste; mines and mining; natural gas; natural~~  
16 ~~resources; oil; pollution; solid waste; state land, except state~~  
17 ~~parks; water and water rights; water bodies and water courses;~~  
18 ~~and water compacts.~~  
19 ~~—— Rules: House rules; joint rules; legislative procedure;~~  
20 ~~jurisdictions of committees; and rules of decorum.~~  
21 ~~—— State Administration: Administrative rules; arts and~~  
22 ~~antiquities; ballots; elections; initiative and referendum~~  
23 ~~procedures; military affairs; public contracts and procurement;~~  
24 ~~public employee retirement systems; state buildings; state~~  
25 ~~employees; state employee benefits; state equipment and property,~~  
26 ~~except state lands and state parks; state government generally;~~  
27 ~~state-owned libraries other than the state law library; veterans;~~

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1 ~~and voting.~~

2 ~~—— Taxation: Taxes other than fuel taxes.~~

3 ~~—— Transportation: Fuel taxes; highways; railroads; roads;~~  
4 ~~traffic regulation; transportation generally; vehicles; and~~  
5 ~~vehicle safety.~~

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

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

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

24 ~~—— (4) If a committee chair upon consultation with the vice~~  
25 ~~chair determines that the committee cannot effectively process~~  
26 ~~all bills assigned to the committee because of time limitations,~~  
27 ~~the chair shall, in writing, request the Speaker to reassign~~



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1 ~~specific bills. The Speaker shall reassign the bills to an~~  
2 ~~appropriate committee. The reassignments must be announced to the~~  
3 ~~House. The reassignments do not require action or approval by the~~  
4 ~~House, but may be overturned by a three-fifths vote.~~

5 - END -

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