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As of: August 7, 2012 (12:24pm)

LC5657

1                   \*\*\*\* House Resolution No. \*\*\*\*

2                   Introduced By \*\*\*\*\*

3                   By Request of the \*\*\*\*\*

4

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

7

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

10

11                 That the following House Rules be adopted:

12

13

**RULES OF THE MONTANA**

14

**HOUSE OF REPRESENTATIVES**

15

**CHAPTER 1**

16

**Administration**

17

**H10-10. House officers -- definitions.** (1) House officers

18

include a Speaker, a Speaker pro tempore, majority and minority  
19 leaders, and majority and minority whips (section 5-2-221, MCA).

20

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

25

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

27

(b) "Majority party" means the party with the most members,

1 subject to subsection (4).

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

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

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

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

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

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

24 (4) The Speaker shall sign all necessary certifications by  
25 the House, including enrolled bills and resolutions, journals  
26 (section 5-11-201, MCA), 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 (section 5-2-202,  
16 MCA). Authority includes 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 (section 5-2-221, MCA).

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 a private secretary.

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

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

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

19 (a) the taking and subscription of the constitutional oath  
20 by representatives (Montana Constitution, Art. III, Sec. 3;  
21 5-2-214);

22 (b) committee reports;

23 (c) messages from the Governor;

24 (d) messages from the Senate;

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

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

1 (g) consideration of legislation subsequent to  
2 introduction;

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

6 (i) roll call votes; and

7 (j) upon a request by two representatives before a vote is  
8 taken, the names of the representatives and their votes on the  
9 question.

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

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

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

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

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

26 **H10-160. Duration of legislative day.** A legislative day ends  
27 either 24 hours after the House convenes for that day or at the

1 time the House convenes for the following legislative day,  
2 whichever is earlier. (See Joint Rule 10-20.)

3 **CHAPTER 2**

4 **Decorum**

5 **H20-10. Addressing the House -- recognition.** (1) When a  
6 member desires to speak to or address any matter to the House,  
7 the member should rise and respectfully address the Speaker or  
8 the presiding officer.

9 (2) The Speaker or presiding officer may ask, "For what  
10 purpose does the member rise?" or "For what purpose does the  
11 member seek recognition?" and may then decide if recognition is  
12 to be granted. There is no appeal from the Speaker's or  
13 presiding officer's decision.

14 **H20-20. Questions of order and privilege -- appeal --**  
15 **restrictions.** (1) The Speaker shall decide all questions of order  
16 and privilege, subject to an appeal by any representative  
17 seconded by two representatives. The question on appeal is,  
18 "Shall the decision of the chairman be sustained?".

19 (2) Responses to parliamentary inquiries and decisions of  
20 recognition may not be appealed.

21 (3) Questions of order and privilege, in order of  
22 precedence, are:

23 (a) those affecting the collective rights, safety, dignity,  
24 and integrity of the House; and

25 (b) those affecting the rights, reputation, and conduct of  
26 individual representatives.

27 (4) A member may not address the House on a question of

1 privilege between the time:

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

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

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

8 **H20-30. Limits on lobbying.** Lobbying on the House floor and  
9 in the anteroom is prohibited during a daily session, 2 hours  
10 before the session, and 2 hours after the session.

11 **H20-40. Admittance to the House floor.** (1) The following  
12 persons may be admitted to the House floor during a daily  
13 session: present and former legislators; legislative employees  
14 necessary for the conduct of the session; registered media  
15 representatives; and members' spouses and children. The Speaker  
16 may allow exceptions to this rule.

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

19 **H20-50. Dilatory motions or questions -- appeal.** The House  
20 has a right to protect itself from dilatory motions or questions  
21 used for the purpose of delaying or obstructing business. The  
22 presiding officer shall decide if motions (except a call of the  
23 House) or questions are dilatory. This decision may be appealed  
24 to the House.

25 **H20-60. Lobbying by employees -- sanctions.** (1) A  
26 legislative employee, intern, or aide of either house is  
27 prohibited from lobbying, although a legislative committee may

1 request testimony from a person so restricted.

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

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

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

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

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

25 (4) If a member is called to order, the matter may be  
26 referred to the Rules Committee by the majority or minority  
27 leader. The Committee may recommend to the House that the member

1 be censured or be subject to other action. The House shall act  
2 upon the recommendation of the Committee.

3 **CHAPTER 3**

4 **Committees**

5 **H30-10. House standing committees -- appointments --**

6 **classification.** (1)(a) The Speaker shall determine the total  
7 number of members and after good faith consultation with the  
8 minority leader shall appoint the chairs, vice chairs, and  
9 members to the standing committees.

10 (b) The Speaker shall appoint each member to a class one  
11 committee, unless the member is unable or unwilling to serve on a  
12 class one committee.

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

14 (a) class one committees:

15 (i) Appropriations;

16 (ii) Business and Labor;

17 (iii) Judiciary;

18 (iv) State Administration; and

19 (v) Taxation;

20 (b) class two committees:

21 (i) Education;

22 (ii) federal Relations, Energy, and Telecommunications;

23 (iii) Human Services;

24 (iv) Natural Resources; and

25 (v) Transportation;

26 (c) class three committees:

27 (i) Agriculture;

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

2 (iii) Local Government; and

3 (d) on call committees:

4 (i) Ethics;

5 (ii) Rules; and

6 (iii) Legislative Administration.

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

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

18 (5) There will be six subcommittees of the Committee on  
19 Appropriations, Education, General Government and Transportation,  
20 Health and Human Services, Natural Resources, Corrections, and  
21 Long-Range Planning. Each member serving on the Appropriations  
22 Committee must be appointed to at least one of the subcommittees.

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

25 (7) The Speaker may, in the Speaker's discretion or as  
26 authorized by the House, create and appoint select committees,  
27 designating the chairman and vice chairman of the select

1 committee. Select committees may request or receive legislation  
2 in the same manner as a standing committee and are subject to the  
3 rules of standing committees.

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

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

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

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

11 (d) have the committee secretary keep the official record  
12 of the minutes;

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

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

17 (g) inform the Speaker of committee activity.

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

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

1 committee, is sufficient for committee action.

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

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

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

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

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

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

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

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

1 appropriate to the circumstances.

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

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

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

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

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

15 (d) all motions and their disposition;

16 (e) the results of all votes;

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

19 (g) testimony and exhibits submitted in writing.

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

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

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

1 Senate is in session.

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

4 ~~(a)(i)~~ by reporting the bill out of the committee:

5 ~~(i)(A)~~ with the recommendation that it be referred to  
6 another committee;

7 ~~(ii)(B)~~ favorably as to passage; or

8 ~~(iii) unfavorably; or~~

9 ~~(b)(ii)~~ by tabling the measure in committee.

10 (b) At the written request of the sponsor, a committee may  
11 finally dispose of a bill without a hearing. A bill may not be  
12 reported from a committee without a hearing.

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

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

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

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

26 (b) the recommendation of the committee;

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

1 (d) a fiscal note, if required.

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

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

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

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

24 (11) An action formally taken by a committee may not be  
25 altered in the committee except by reconsideration and further  
26 formal action of the committee.

27 (12) A committee may reconsider any action as long as the

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1 matter remains in the possession of the committee. A committee  
2 member need not have voted with the prevailing side in order to  
3 move reconsideration.

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

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

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

13 (a) to participate freely in committee discussions and  
14 debate;

15 (b) to offer motions;

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

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

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

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

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

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

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

4 **H30-60. Public testimony -- decorum -- time restrictions.**

5 (1) Testimony from proponents, opponents, and informational  
6 witnesses must be allowed on every bill or resolution before a  
7 standing or select committee. All persons, other than the  
8 sponsor, offering testimony shall register on the committee  
9 witness list.

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

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

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

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

1 allowed only at the discretion of the chairman.

2 **CHAPTER 4**

3 **Legislation**

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

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

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

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

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

25 (2) After legislation is submitted for introduction but  
26 before the legislation returns from the first House committee,  
27 the chief sponsor may add or remove cosponsors by filing a

1 cosponsor form with the Chief Clerk. This filing must be noted by  
2 the Chief Clerk for the record on Order of Business No. 11.

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

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

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

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

1           **H40-50. First reading -- receipt of Senate legislation.**

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

11          **H40-60. One reading per day -- exception.** Except on the

12          final legislative day, legislation may receive no more than one  
13          reading per legislative day. On the final legislative day,  
14          legislation may receive more than one reading.

15          **H40-70. Referral.** (1) The Speaker shall refer to a House

16          committee, joint select committee, or joint special committee all  
17          properly introduced House legislation and transmitted Senate  
18          legislation in conformity to the committee jurisdiction.

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

22          **H40-80. Rereferral -- normal progression.** (1) Except as

23          provided in subsection (2), legislation that is in the possession  
24          of the House and that has not been finally disposed of may be  
25          rereferred to a House committee by House motion approved by not  
26          less than three-fifths of the members present and voting.

27          (2) Legislation that is in the possession of the House and

1 that has been reported from a committee with a do pass or be  
2 concurred in recommendation may be rereferred to a House  
3 committee by a majority vote.

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

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

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

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

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

26 **H40-110. Consent calendar procedure.** (1) Noncontroversial  
27 bills and simple and joint resolutions may be recommended for the

1 consent calendar by a standing committee and processed according  
2 to the following provisions:

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

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

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

19 (3) Legislation must be posted immediately (as soon as it  
20 is received appropriately printed) on the consent calendar and  
21 must remain there for 1 legislative day before consideration  
22 under Order of Business No. 11, special orders of the day. At  
23 that time, the presiding officer shall announce consideration of  
24 the consent calendar and allow "reasonable time" for questions  
25 and answers upon request. No debate is allowed.

26 (4) If any one representative submits a written objection  
27 to the placement of legislation on the consent calendar, the

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1 legislation must be removed from the consent calendar and added  
2 to the regular second reading board.

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

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

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

12 **H40-120. Legislation requiring other than a majority vote.**

13 Legislation that requires other than a majority vote for final  
14 passage needs only a majority vote for any action that is taken  
15 prior to third reading and that normally requires a majority  
16 vote.

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

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

24 **H40-140. Second reading -- timing -- obverse vote on failed**  
25 **motion -- status of amendments -- rejection of report --**

26 **segregation.** (1) Legislation returned or withdrawn from committee  
27 by motion must be placed on second reading prior to the

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1 transmittal deadlines provided for in Joint Rule 40-200 that are  
2 applicable to each piece of legislation.

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

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

11 (4) If a motion to recommend that a bill "do pass" or "be  
12 concurred in" fails in the Committee of the Whole, the obverse,  
13 i.e., a recommendation that the bill "do not pass" or "be not  
14 concurred in", is considered to have passed. If a motion to  
15 recommend that a bill "do not pass" or "be not concurred in"  
16 fails in the Committee of the Whole, the obverse, i.e., a  
17 recommendation that the bill "do pass" or "be concurred in", is  
18 considered to have passed.

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

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

27 (7) A representative may move to segregate legislation from

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1 the Committee of the Whole report before the report is adopted.  
2 Segregated legislation, as amended by the Committee of the Whole,  
3 must be placed on second reading unless the House orders  
4 otherwise. Amendments adopted by the Committee of the Whole on  
5 segregated legislation remain adopted unless reconsidered  
6 pursuant to H50-170 or unless the legislation is rereferred to a  
7 committee.

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

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

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

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

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

1 bill.

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

5 (a) recommend passage or nonpassage;

6 (b) recommend concurrence or nonconcurrence (Senate  
7 amendments to House legislation);

8 (c) amend;

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

10 (e) pass consideration;

11 (f) call for cloture;

12 (g) change the order in which legislation is placed on the  
13 agenda; and

14 (h) rise, rise and report, or rise and report progress and  
15 beg leave to sit again.

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

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

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

25 **H40-170. Limits on debate in the Committee of the Whole.** (1)  
26 Except as provided in H40-180, a representative may not speak  
27 more than once on the motion and may speak for no more than 5

1 minutes. The representative who makes the motion may speak a  
2 second time for 5 minutes in order to close.

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

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

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

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

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

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

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

27 (4) An amendment that affects more than one section of the

1 bill must be offered when the first section affected is  
2 considered.

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

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

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

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

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

27 **H40-200. Third reading.** (1) All bills, joint resolutions,

1 and Senate amendments to House bills and joint resolutions  
2 passing second reading must be placed on third reading the day  
3 following the receipt of the engrossing or other appropriate  
4 printing report.

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

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

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

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

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

26 (3) If the House rejects the Senate amendments, the House  
27 may request the Senate to recede from its amendments or may

1 direct appointment of a conference committee and request the  
2 Senate to appoint a like committee.

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

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

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

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

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

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

27 (2) The chief sponsor of the legislation shall examine the

1 enrolled legislation and, if it has no enrolling errors, shall,  
2 within 1 legislative day, certify the legislation as correctly  
3 enrolled.

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

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

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

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

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

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

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

25 **CHAPTER 5**

26 **Floor Actions**

27 **H50-10. Attendance -- excuse -- call of the House.** (1) A

1 representative, unless excused, is required to be present at  
2 every sitting of the House.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           **H50-60. Opening and order of business.** The opening of each  
27 legislative day must include an invocation, the pledge of

1 allegiance, and roll call. Following the opening, the order of  
2 business of the House is as follows:

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

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

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

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

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

25 **H50-80. Limits on debate of debatable motions.** (1) Except  
26 for the representative who places a debatable motion before the  
27 body, no representative may speak more than once on the question

1 unless a unanimous House consents. The representative who places  
2 the motion may close.

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

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

10 (2) The following motions are nondebatable:

- 11 (a) to adjourn pursuant to H50-250;
- 12 (b) for a call of the House;
- 13 (c) to recess or rise;
- 14 (d) for parliamentary inquiry;
- 15 (e) to table or take from the table;
- 16 (f) to call for the previous question or cloture;
- 17 (g) to amend a nondebatable motion;
- 18 (h) to divide a question;
- 19 (i) to suspend the rules;
- 20 (j) all incidental motions, such as motions relating to  
21 voting or of a general procedural nature;
- 22 (k) to appeal a call to order;
- 23 (l) to question the lack of a quorum pursuant to H50-20;
- 24 and
- 25 (m) to change a vote pursuant to H50-210.

26 **H50-100. Questions.** A representative may, through the  
27 presiding officer, ask questions of another representative during

1 a floor session. There is no limit on questions and answers,  
2 except as provided in H20-50.

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

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

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

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

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

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

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

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

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

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

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

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

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

25           **100 House Members**

26           (1) a motion to approve a bill to appropriate the principal  
27 of the tobacco settlement trust fund pursuant to Article XII,

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1 section 4, of the Montana Constitution (two-thirds);

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

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

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

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

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

18 **Members Present and Voting**

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

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

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

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

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

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

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

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

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

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

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

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

20 ~~(13)~~(12) a motion to record a vote pursuant to H50-200(2)  
21 (one representative);

22 ~~(14)~~(13) a motion to record a vote in the journal (two  
23 representatives);

24 ~~(15)~~(14) an appeal of the ruling of the presiding officer  
25 pursuant to H20-20(1) or H20-80(2) (three representatives);

26 ~~(16)~~(15) a motion to speak more than once on a debatable  
27 motion pursuant to H50-80(1) (unanimous vote);

1           ~~(17)~~(16) a motion to appeal the presiding officer's  
2 interpretation of the rules to the House Rules Committee pursuant  
3 to H70-50 (15 representatives).

4           **Entire Legislature**

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

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

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

18           ~~(2)~~(3) A motion for reconsideration, unless tabled or  
19 replaced by a substitute motion, must be disposed of when made.

20           ~~(3)~~(4) When a motion for reconsideration fails, the  
21 question is finally settled. A motion for reconsideration may not  
22 be renewed or reconsidered.

23           ~~(4)~~(5) A motion to recall legislation from the Senate  
24 constitutes a motion to reconsider and is subject to the same  
25 rules.

26           ~~(5)~~(6) A motion for reconsideration is not in order on a  
27 vote to postpone to a day certain or to table legislation.

1           ~~(6)~~(7) There may be only one reconsideration vote on a  
2 specific issue on a legislative day.

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

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

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

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

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

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

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

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

27           **H50-210. Changing a vote -- consent required.** (1) A

1 representative may move to change the representative's vote  
2 within 1 legislative day of the vote. The motion is nondebatable.  
3 The motion must be made on Order of Business No. 9, motions. All  
4 of the members present and voting are required to consent to the  
5 change in order for it to be effective.

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

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

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

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

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

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

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

27 (5) Absentee voting is not allowed on third reading or on

1 motions specified as present and voting pursuant to H50-70.

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

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

10 (2) A motion to adjourn for a legislative day must specify  
11 a date and time for the House to convene on the subsequent  
12 legislative day.

13 **H50-250. Adjournment sine die.** Subject to Article V, section  
14 10(5), of the Montana Constitution, a representative may move  
15 that the House adjourn for the session. The motion is  
16 nondebatable and may be made under any order of business except  
17 Order of Business No. 7.

18 **CHAPTER 6**

19 **Motions**

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

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

26 **H60-20. Nondebatable motions.** The following motions, in  
27 addition to any other motion specifically designated, must be

1 decided without debate:

2 (1) to adjourn;

3 (2) for a call of the House;

4 (3) to recess or rise;

5 (4) for parliamentary inquiry;

6 (5) to table or to take from the table;

7 (6) to call for the previous question or for cloture;

8 (7) to amend a nondebatable motion;

9 (8) to divide a question;

10 (9) to suspend the rules; and

11 (10) all incidental motions, such as motions relating to  
12 voting or of a general procedural nature.

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

16 (a) to adjourn;

17 (b) for a call of the House;

18 (c) to recess or rise;

19 (d) for a question of privilege;

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

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

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

23 (h) to refer or rerefer; and

24 (i) to propose amendments.

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

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

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

3           (a) when the House is voting on another motion;

4           (b) when the previous question has been ordered and before  
5 the final vote;

6           (c) when a member entitled to the floor has not yielded for  
7 that purpose; or

8           (d) when business has not been transacted after the defeat  
9 of a motion to adjourn or recess.

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

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

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

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

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

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

26           **H60-70. Motion to refer.** When a motion is made to refer a  
27 subject to a standing committee or select committee, the question

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1 on the referral to a standing committee must be put first.

2 **H60-80. Terms of debate on motion to refer or rerefer. (1)**

3 A motion to refer or rerefer is debatable within narrow limits.

4 The merits of the proposition that is the subject of the motion  
5 may not be debated.

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

8 **H60-100. Moving the previous question after a motion to**

9 **table. (1)** If a motion to table is made directly to a main  
10 motion, a motion for the previous question is not in order.

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

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

17 (1) moving House bills or resolutions on second reading,  
18 "Mister/Madam Chairman, I move that when this committee does rise  
19 and report after having under consideration House Bill \_\_\_\_, that  
20 it recommend the same (do pass)/(do pass as amended)/(do not  
21 pass)."

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

27 (3) Committee of the Whole floor amendments, "Mister/Madam

1 Chairman, I move that House Bill \_\_\_/Senate Bill \_\_\_ be amended  
2 and request that the amendment be posted and deemed read."

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

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

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

11 **CHAPTER 7**

12 **Rules**

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

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

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

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

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

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

1 members voting.

2 **H70-40. Supplementary rules.** Mason's Manual of Legislative  
3 Procedure (2000) governs House proceedings in all cases not  
4 covered by House rules.

5 **H70-50. Interpreting rules -- appeal.** The Speaker shall  
6 interpret all questions on House rules, subject to appeal by any  
7 15 representatives to the House Rules Committee. Unless the delay  
8 would cause legislation to fail to meet a scheduled deadline, the  
9 House Rules Committee may consider and report on the appeal on  
10 the next legislative day. The decision of the House Rules  
11 Committee may be appealed to the House by any representative.

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

15 **Appendix**

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

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

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

26 **Business and Labor:** Alcohol regulation other than taxation;  
27 associations; corporations; credit transactions; employment;

1 financial institutions; gambling; insurance; labor unions;  
2 partnerships; private sector pensions and pension plans;  
3 professions and occupations other than the practice of law;  
4 salaries and wages; sales; secured transactions; securities  
5 regulation other than criminal provisions; sports other than  
6 hunting, fishing, and competition water sports; trade regulation;  
7 unemployment insurance; the Uniform Commercial Code; and workers'  
8 compensation.

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

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

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

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

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

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

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

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

24           **Natural Resources:** Board of Land Commissioners; dams, except  
25 for electrical generation; emission standards; environmental  
26 protection; extractive activities; fires and fire protection,  
27 except for a local government fire department; forests and

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1 forestry; hazardous waste; mines and mining; natural gas; natural  
2 resources; oil; pollution; solid waste; state land, except state  
3 parks; water and water rights; water bodies and water courses;  
4 and water compacts.

5 **Rules:** House rules; joint rules; legislative procedure;  
6 jurisdictions of committees; and rules of decorum.

7 **State Administration:** Administrative rules; arts and  
8 antiquities; ballots; elections; initiative and referendum  
9 procedures; military affairs; public contracts and procurement;  
10 public employee retirement systems; state buildings; state  
11 employees; state employee benefits; state equipment and property,  
12 except state lands and state parks; state government generally;  
13 state-owned libraries other than the state law library; veterans;  
14 and voting.

15 **Taxation:** Taxes other than fuel taxes.

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

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

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

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1 Speaker.

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

10 (4) If a committee chair upon consultation with the vice  
11 chair determines that the committee cannot effectively process  
12 all bills assigned to the committee because of time limitations,  
13 the chair shall, in writing, request the Speaker to reassign  
14 specific bills. The Speaker shall reassign the bills to an  
15 appropriate committee. The reassignments must be announced to the  
16 House. The reassignments do not require action or approval by the  
17 House, but may be overturned by a three-fifths vote.

18 - END -

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