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As of: October 30, 2014 (12:40pm)

LC4335

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 That the following House Rules be adopted:

11 **RULES OF THE MONTANA**

12 **HOUSE OF REPRESENTATIVES**

13 **CHAPTER 1**

14 **Administration**

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

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

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

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

27 (c) "Minority leader" means the leader of the minority

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1 party, elected by the caucus as provided in 5-2-221.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (2) helping the Speaker develop the calendar;

27 (3) assisting the Speaker with program development, policy

1 formation, and policy decisions; and

2 (4) presiding over the majority caucus meetings; and

3 (5) other duties as assigned by the caucus.

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

6 (1) assisting the majority leader;

7 (2) ensuring member attendance;

8 (3) counting votes;

9 (4) generally communicating the majority position; and

10 (5) other duties as assigned by the caucus.

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

14 (1) developing the minority position;

15 (2) negotiating with the majority party;

16 (3) directing minority caucus activities on the chamber
17 floor;

18 (4) leading debate for the minority; and

19 (5) other duties as assigned by the caucus.

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

22 (1) assisting the minority leader on the floor;

23 (2) counting votes;

24 (3) ensuring attendance of minority party members; and

25 (4) other duties as assigned by the caucus.

26 **H10-90. Employees.** (1) The Speaker shall appoint a Chief
27 Clerk and Sergeant-at-Arms and may appoint a Chaplain, subject to

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1 confirmation of the House (section 5-2-221, MCA).

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

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

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

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

12 (1) supervise all House employees;

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

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

25 **H10-110. Duties of Sergeant-at-Arms.** The Sergeant-at-Arms
26 shall:

27 (1) under the direction of the Speaker and the Chief Clerk,

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1 have charge of and maintain order in the House, its lobbies,
2 galleries, and hallways and all other rooms in the Capitol
3 assigned for the use of the House;

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

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

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

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

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

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

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

21 (9) supervise the doorkeeper; and

22 (10) supervise the pages.

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

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

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

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

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

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 5-2-214);

20 (b) committee reports;

21 (c) messages from the Governor;

22 (d) messages from the Senate;

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

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

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

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

4 (i) roll call votes; and

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

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

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

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

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

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

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

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CHAPTER 2

Decorum

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

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

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

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

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

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

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

(4) A member may not address the House on a question of privilege between the time:

(a) an undebatable motion is offered and the vote is taken

1 on the motion;

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

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

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

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

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

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

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

27 (2) The Speaker may discipline or discharge any House

1 employee violating this prohibition. The Speaker may withdraw the
2 privileges of any House aide or intern violating this
3 prohibition.

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

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

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

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

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

1 CHAPTER 3

2 Committees

3 H30-10. House standing committees -- appointments --

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

8 (b) The minority leader shall designate a ranking minority
9 member for each standing committee.

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

11 (a) class one committees:

12 (i) Appropriations;

13 (ii) Business and Labor;

14 (iii) Judiciary;

15 (iv) State Administration; and

16 (v) Taxation;

17 (b) class two committees:

18 (i) Education;

19 ~~(ii) federal Relations, Energy, and Telecommunications;~~

20 (ii) Fish, Wildlife, and Parks;

21 (iii) Human Services;

22 (iv) Local Government; and

23 ~~(iv)~~(v) Natural Resources; and

24 ~~(v) Transportation;~~

25 (c) class three committees:

26 (i) Agriculture;

27 ~~(ii) Fish, Wildlife, and Parks; and~~

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- 1 ~~(iii) Local Government; and~~
2 (ii) Federal Relations, Energy, and Telecommunications; and
3 (iii) Transportation;
4 (d) on call committees:
5 (i) Ethics;
6 (ii) Rules; and
7 (iii) Legislative Administration.

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

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

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

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

27 (7) The Speaker may, in the Speaker's discretion or as

1 authorized by the House, create and appoint select committees,
2 designating the chairman and vice chairman of the select
3 committee. Select committees may request or receive legislation
4 in the same manner as a standing committee and are subject to the
5 rules of standing committees.

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

8 (a) preside over meetings of the committee and to put all
9 questions;

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

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

13 (d) have the committee secretary keep the official record
14 of the minutes;

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

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

19 (g) inform the Speaker of committee activity.

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

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

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1 officially. A quorum of a committee may transact business, and a
2 majority of the quorum, even though it is a minority of the
3 committee, is sufficient for committee action.

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

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

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

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

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

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

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

24 (4) All committees shall provide for and give public
25 notice, reasonably calculated to give actual notice to interested
26 persons, of the time, place, and subject matter of regular and
27 special meetings. All committees are encouraged to provide at

1 least 3 legislative days notice to members of committees and the
2 general public. However, a meeting may be held upon notice
3 appropriate to the circumstances.

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

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

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

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

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

17 (d) all motions and their disposition;

18 (e) the results of all votes;

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

21 (g) testimony and exhibits submitted in writing.

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

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

26 (2) A standing or select committee may not take up referred
27 legislation unless the sponsor or one of the cosponsors is

1 present or unless the sponsor has given written consent. The
2 chairman shall attempt to not schedule Senate bills while the
3 Senate is in session.

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

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

7 (A) with the recommendation that it be referred to another
8 committee;

9 (B) favorably as to passage; or

10 (C) unfavorably; or

11 (ii) by tabling the measure in committee.

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

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

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

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

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

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1 (b) the recommendation of the committee;

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

3 (d) a fiscal note, if required.

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

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

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

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

26 (11) An action formally taken by a committee may not be
27 altered in the committee except by reconsideration and further

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1 formal action of the committee.

2 (12) A committee may reconsider any action as long as the
3 matter remains in the possession of the committee. A committee
4 member need not have voted with the prevailing side in order to
5 move reconsideration.

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

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

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

15 (a) to participate freely in committee discussions and
16 debate;

17 (b) to offer motions;

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

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

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

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

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

27 (17) A committee may consolidate into one bill any two or

1 more related bills referred to it whenever legislation may be
2 simplified by the consolidation.

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

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

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

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

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

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

26 (5) In any committee meeting, the use of cameras,
27 television, radio, or any form of telecommunication equipment is

1 allowed, but the chairman may designate the areas of the hearing
2 room from which the equipment must be operated. Cell phone use is
3 allowed only at the discretion of the chairman.

4 **CHAPTER 4**

5 **Legislation**

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

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

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

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

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

27 (2) After legislation is submitted for introduction but

1 before the legislation returns from the first House committee,
2 the chief sponsor may add or remove cosponsors by filing a
3 cosponsor form with the Chief Clerk. This filing must be noted by
4 the Chief Clerk for the record on Order of Business No. 11.

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

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

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

25 (4) Acknowledgment by the Chief Clerk of receipt of
26 messages from the Senate or other elected officials constitutes
27 receipt by the House for purposes of any applicable time limit.

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1 Senate legislation or messages received from the Senate or
2 elected officials are subject to all other rules.

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

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

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

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

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

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

21 (2) Legislation may not receive final passage and approval

22 unless it has been referred to a House committee, joint select
23 committee, or joint special committee.

24 **H40-80. Rereferral -- Appropriations Committee rereferral --**
25 **normal progression.** (1) Except as provided in subsection (2),

26 legislation that is in the possession of the House and that has
27 not been finally disposed of may be rereferred to a House

1 committee by House motion approved by not less than three-fifths
2 of the members present and voting.

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

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

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

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

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

26 **H40-100. Standing committee reports -- requirement for**
27 **rejection of adverse committee report.** (1) A House standing

1 committee recommendation of "do pass" or "be concurred in" must
2 be announced across the rostrum and, if there is no objection to
3 form, is considered adopted.

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

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

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

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

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

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

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

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

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

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

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

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

1 Legislation that requires other than a majority vote for final
2 passage needs only a majority vote for any action that is taken
3 prior to third reading and that normally requires a majority
4 vote.

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

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

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

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

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

26 (4) If a motion to recommend that a bill "do pass" or "be
27 concurred in" fails in the Committee of the Whole, the obverse,

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1 i.e., a recommendation that the bill "do not pass" or "be not
2 concurred in", is considered to have passed. If a motion to
3 recommend that a bill "do not pass" or "be not concurred in"
4 fails in the Committee of the Whole, the obverse, i.e., a
5 recommendation that the bill "do pass" or "be concurred in", is
6 considered to have passed.

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

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

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

23 **H40-150. Amendments in the Committee of the Whole -- timing**
24 **-- official records.** (1) All Committee of the Whole amendments
25 must be prepared by the Legislative Services Division and checked
26 by the House amendments coordinator for format, style, clarity,
27 consistency, and other factors, in accordance with the most

1 recent Bill Drafting Manual published by the Legislative Services
2 Division, before the amendment may be accepted at the rostrum.
3 The amendment form must include the date and time the amendment
4 is submitted for that check.

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

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

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

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

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

20 (a) recommend passage or nonpassage;

21 (b) recommend concurrence or nonconcurrence (Senate
22 amendments to House legislation);

23 (c) amend;

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

25 (e) pass consideration;

26 (f) call for cloture;

27 (g) change the order in which legislation is placed on the

1 agenda; and

2 (h) rise, rise and report, or rise and report progress and
3 beg leave to sit again.

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

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

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

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

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

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

27 (ii) Each substitute motion to amend the original question

1 is subject to a cloture motion and the cloture requirements
2 provided for in this rule.

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

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

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

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

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

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

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

25 (3) After the presentation by the subcommittee chairman,
26 the respective section of the bill is open for debate, questions,
27 and amendments. A proposed amendment to the general

1 appropriations act may not be divided.

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

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

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

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

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

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

1 bill. (See Joint Rule 40-150.)

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for enrolling.

2 (2) The chief sponsor of the legislation shall examine the
3 enrolled legislation and, if it has no enrolling errors, shall,
4 within 1 legislative day, certify the legislation as correctly
5 enrolled.

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

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

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

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

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

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

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

27

CHAPTER 5

1 **Floor Actions**

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

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

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

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

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

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

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

26 (3) When a quorum has been achieved under the call, the
27 call is automatically lifted. The call may also be lifted by

1 adjournment or by two-thirds of the representatives present and
2 voting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **H50-80. Limits on debate of debatable motions.** (1) Except

1 for the representative who places a debatable motion before the
2 body, no representative may speak more than once on the question
3 unless a unanimous House consents. The representative who places
4 the motion may close.

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

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

12 (2) The following motions are nondebatable:

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

14 (b) for a call of the House;

15 (c) to recess or rise;

16 (d) for parliamentary inquiry;

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

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

19 (g) to amend a nondebatable motion;

20 (h) to divide a question;

21 (i) to suspend the rules;

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

24 (k) to appeal a call to order;

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

26 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **100 House Members**

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

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

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

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

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

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

20 **Members Present and Voting**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **Entire Legislature**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (4) The absentee vote authorization may be revoked before

1 the vote by the member who signed the authorization.

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

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

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

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

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

20 **CHAPTER 6**

21 **Motions**

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

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

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

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

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

- 18 (a) to adjourn;
 - 19 (b) for a call of the House;
 - 20 (c) to recess or rise;
 - 21 (d) for a question of privilege;
 - 22 (e) to table or take from the table;
 - 23 (f) to call for the previous question or cloture;
 - 24 (g) to postpone consideration to a day certain;
 - 25 (h) to refer or rerefer; and
 - 26 (i) to propose amendments.
- 27 (2) This section does not allow a motion that would not

1 otherwise be allowed under a particular order of business.

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

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

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

6 (b) when the previous question has been ordered and before
7 the final vote;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (2) moving Senate bills and Senate amendments to House
25 bills, "Mister/Madam Chairman, I move that when this committee
26 does rise and report after having under consideration Senate Bill
27 ____/Senate amendments to House Bill ____, that it recommend the

1 same (be concurred in)/(be not concurred in)."

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

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

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

11 (6) question another representative, "Mister/Madam
12 Speaker/Chairman, would Representative ___ yield to a question?"

13 **CHAPTER 7**

14 **Rules**

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

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

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

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

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

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

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

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

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

25 **Fish, Wildlife, and Parks:** Fish; fishing; hunting; outdoor
26 recreation; parks other than those owned by local governments;
27 relations with federal and state governments concerning fish and

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1 wildlife; Virginia City and Nevada City; water sports; and
2 wildlife.

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

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

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

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

26 **Natural Resources:** Board of Land Commissioners; dams, except
27 for electrical generation; emission standards; environmental

1 protection; extractive activities; fires and fire protection,
2 except for a local government fire department; forests and
3 forestry; hazardous waste; mines and mining; natural gas; natural
4 resources; oil; pollution; solid waste; state land, except state
5 parks; water and water rights; water bodies and water courses;
6 and water compacts.

7 **Rules:** House rules; joint rules; legislative procedure;
8 jurisdictions of committees; and rules of decorum.

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

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

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

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

24 (3) (a) If legislation deals with more than one subject and
25 the subjects are assigned to more than one committee, the bill
26 must be assigned to a class one committee before a class two
27 committee and to a class two committee before a class three

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1 committee. If there is a conflict of subjects between the same
2 class of committees, then the bill must be assigned by the
3 Speaker.

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

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

20 - END -

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