

**Unofficial Draft Copy**

As of: May 2, 2016 (1:01pm)

LC5337

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

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

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

15           (a) the taking and subscription of the constitutional oath  
16 by representatives (Montana Constitution, Art. III, Sec. 3;  
17 5-2-214);

18           (b) committee reports;

19           (c) messages from the Governor;

20           (d) messages from the Senate;

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

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

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

26           (h) on final passage of legislation, the names of the  
27 representatives and their vote on the question (Montana

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1 Constitution, Art. V, Sec. 11);

2 (i) roll call votes; and

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

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

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

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

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

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

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

26 **CHAPTER 2**

27 **Decorum**



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

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

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

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

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

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

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

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

25           (a) an undebatable motion is offered and the vote is taken  
26 on the motion;

27           (b) the previous question is ordered and the vote is taken

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1 on the proposition included under the previous question; or

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

4 **H20-30. Limits on lobbying.** Lobbying on the House floor and  
5 in the anteroom is prohibited during a daily session, 2 hours  
6 before the session, and 2 hours after the session. A registered  
7 lobbyist is prohibited from the house floor.

8 **H20-40. Admittance to the House floor.** (1) The following  
9 persons may be admitted to the House floor during a daily  
10 session: present legislators and former legislators who are not  
11 registered lobbyists; legislative employees necessary for the  
12 conduct of the session; registered media representatives; and  
13 members' spouses and children. The Speaker may allow exceptions  
14 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 or aide of either house is prohibited from  
25 lobbying, although a legislative committee may request testimony  
26 from a person so restricted.

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

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

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

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

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

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

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

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## CHAPTER 3

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1 Committees

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

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

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

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

10 (a) class one committees:

11 (i) Appropriations;

12 (ii) Business and Labor;

13 (iii) Judiciary;

14 (iv) State Administration; and

15 (v) Taxation;

16 (b) class two committees:

17 (i) Education;

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

19 (iii) Human Services;

20 (iv) Natural Resources; and

21 (v) Transportation;

22 (c) class three committees:

23 (i) Agriculture;

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

25 (iii) Local Government; and

26 (d) on call committees:

27 (i) Ethics;

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1 (ii) Rules; and

2 (iii) Legislative Administration.

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

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

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

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

22 (7) The Speaker may, in the Speaker's discretion or as  
23 authorized by the House, create and appoint select committees,  
24 designating the chairman and vice chairman of the select  
25 committee. Select committees may request or receive legislation  
26 in the same manner as a standing committee and are subject to the  
27 rules of standing committees.

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

3           (a) preside over meetings of the committee and to put all  
4 questions;

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

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

8           (d) have the committee secretary keep the official record  
9 of the minutes;

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

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

14          (g) inform the Speaker of committee activity.

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

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

26          (2) The Speaker, the majority leader, and the minority  
27 leader are ex officio, nonvoting members of all House committees.

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1 They may count toward establishing a quorum.

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

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

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

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

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

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

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

26 (5) A committee may not meet during the time the House is  
27 in session without leave of the Speaker. Any member attending

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1 such a meeting must be considered excused to attend business of  
2 the House subject to a call of the House.

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

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

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

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

12 (d) all motions and their disposition;

13 (e) the results of all votes;

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

16 (g) testimony and exhibits submitted in writing.

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

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

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



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

2 (A) with the recommendation that it be referred to another  
3 committee;

4 (B) favorably as to passage; or

5 (C) unfavorably; or

6 (ii) by tabling the measure in committee.

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

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

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

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

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

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

27 (b) the recommendation of the committee;

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

2 (d) a fiscal note, if required.

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

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

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

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

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

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

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

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

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

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

16           (b) to offer motions;

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

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

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

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

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

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

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1 simplified by the consolidation.

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

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

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

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

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

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

25 (5) In any committee meeting, the use of cameras,  
26 television, radio, or any form of telecommunication equipment is  
27 allowed, but the chairman may designate the areas of the hearing

1 room from which the equipment must be operated. Cell phone use is  
2 allowed only at the discretion of the chairman.

3 **CHAPTER 4**

4 **Legislation**

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

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

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

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

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

27 (2) After legislation is submitted for introduction but

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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

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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.** (1) Except as  
24 provided in subsection (2), legislation may be withdrawn from a  
25 House committee by House motion approved by not less than  
26 three-fifths of the members present and voting.

27 (2) For the 2015 Session, the majority party leadership and



1 the minority party leadership may each make up to six separate  
2 requests to withdraw a bill from a House committee, and these  
3 requests require only a simple majority of those present and  
4 voting to withdraw a bill from a House committee.

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

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

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

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

24 (a) To be eligible for the consent calendar, the  
25 legislation must receive a unanimous vote by the members of the  
26 standing committee in attendance (do pass, do pass as amended).  
27 In addition, a motion must be made and passed unanimously to

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1 place the legislation on the consent calendar and this action  
2 reflected in the committee report. Appropriation or revenue  
3 bills may not be recommended for the consent calendar.

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

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

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

20 (4) If any one representative submits a written objection  
21 to the placement of legislation on the consent calendar, the  
22 legislation must be removed from the consent calendar and added  
23 to the regular second reading board.

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

27 (6) Legislation on the consent calendar must be considered

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1 individually with the roll call vote spread on the journal as the  
2 final vote in the House.

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

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

7 Legislation that requires other than a majority vote for final  
8 passage needs only a majority vote for any action that is taken  
9 prior to third reading and that normally requires a majority  
10 vote.

11 **H40-130. Amending House second and third reading agendas --**

12 **vote requirements.** (1) A majority of representatives present may  
13 rearrange or remove legislation from either the second or third  
14 reading agenda on that legislative day.

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

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

20 **segregation.** (1) Legislation returned or withdrawn from committee  
21 by motion must be placed on second reading prior to the  
22 transmittal deadlines provided for in Joint Rule 40-200 that are  
23 applicable to each piece of legislation.

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

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

5           (4) If a motion to recommend that a bill "do pass" or "be  
6 concurred in" fails in the Committee of the Whole, the obverse,  
7 i.e., a recommendation that the bill "do not pass" or "be not  
8 concurred in", is considered to have passed. If a motion to  
9 recommend that a bill "do not pass" or "be not concurred in"  
10 fails in the Committee of the Whole, the obverse, i.e., a  
11 recommendation that the bill "do pass" or "be concurred in", is  
12 considered to have passed.

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

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

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

1 committee.

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

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

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

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

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

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

26 (a) recommend passage or nonpassage;

27 (b) recommend concurrence or nonconcurrence (Senate

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1 amendments to House legislation);

2 (c) amend;

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

4 (e) pass consideration;

5 (f) call for cloture;

6 (g) change the order in which legislation is placed on the  
7 agenda; and

8 (h) rise, rise and report, or rise and report progress and  
9 beg leave to sit again.

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

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

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

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

24 (2) (a) Except as provided in subsection (2)(b), after at  
25 least two proponents and two opponents have spoken on a question  
26 and 30 minutes have elapsed from the point in time that the  
27 sponsor's opening remarks on the motion end and debate on the

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1 motion begins, a motion to call for cloture is in order.

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

6 (ii) Each substitute motion to amend the original question  
7 is subject to a cloture motion and the cloture requirements  
8 provided for in this rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (2) When the legislation that has passed second reading, as  
27 amended, has been correctly engrossed, it must be placed on third



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1 reading on the following legislative day. If the bill is not  
2 amended, the bill must be sent to printing and must be placed on  
3 third reading on the legislative day after receipt. On the final  
4 legislative day, the correctly engrossed legislation may be  
5 placed on third reading on the same legislative day. For the  
6 purposes of this rule, "engrossing" means placing amendments in a  
7 bill. (See Joint Rule 40-150.)

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

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

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

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

21 **H40-220. Senate amendments to House legislation.** (1) When  
22 the Senate has properly returned House legislation with Senate  
23 amendments, the House shall announce the amendments on Order of  
24 Business No. 4, and the Speaker shall place them on second  
25 reading for debate. The Speaker may rerefer House legislation  
26 with Senate amendments to a committee for a hearing if the Senate  
27 amendments constitute a significant change in the House

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1 legislation. The second reading vote is limited to consideration  
2 of the Senate amendments.

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

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

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

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

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

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

27 (5) A House conference committee may confer regarding

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1 matters assigned to it with any Senate conference committee with  
2 like jurisdiction and submit recommendations for consideration of  
3 the House.

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

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

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

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

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

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

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

27 **H40-260. Governor's veto.** (1) When the Governor returns a

1 bill with a veto, the House shall announce the veto under Order  
2 of Business No. 5.

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

6 **CHAPTER 5**

7 **Floor Actions**

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

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

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

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

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

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

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1 has been established that a quorum is not present.

2 (2) During a call of the House, all business is suspended.

3 No motion is in order except a motion to adjourn or to remove the  
4 call.

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

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

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

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

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

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

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

23 (1) communications and petitions;

24 (2) reports of standing committees;

25 (3) reports of select committees;

26 (4) messages from the Senate;

27 (5) messages from the Governor;

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- 1 (6) first reading and commitment of bills;
- 2 (7) second reading of bills;
- 3 (8) third reading of bills;
- 4 (9) motions;
- 5 (10) unfinished business;
- 6 (11) special orders of the day; and
- 7 (12) announcement of committee meetings.

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

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

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

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

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

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

26 **H50-90. Nondebatable motions.** (1) A representative has the  
27 right to understand any question before the House and, usually

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1 under the administration of the presiding officer, may ask  
2 questions to exercise this right.

3 (2) The following motions are nondebatable:

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

5 (b) for a call of the House;

6 (c) to recess or rise;

7 (d) for parliamentary inquiry;

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

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

10 (g) to amend a nondebatable motion;

11 (h) to divide a question;

12 (i) to suspend the rules;

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

15 (k) to appeal a call to order;

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

17 and

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

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

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

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

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

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

6 (a) to adjourn (nondebatable H50-90 and H50-250);

7 (b) for a call of the House (nondebatable H50-90);

8 (c) to recess or rise (nondebatable H50-90);

9 (d) for a question of privilege;

10 (e) to table (nondebatable H50-90);

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

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

13 (h) to refer to a committee; and

14 (i) to propose amendments.

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

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

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

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

23 **H50-140. Dividing a question.** Except as provided in  
24 H40-180(3), a representative may request to divide a question as  
25 a matter of right if it includes two or more propositions so  
26 distinct that they can be separated and if at least one  
27 substantive question remains after one substantive question is



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1 removed. The request is nondebatabable under H50-90. The presiding  
2 officer may rule that a question is nondivisible. The ruling of  
3 the chair may be appealed as provided in H50-160(14) or (16) and  
4 H70-50. For an appeal of a ruling of the presiding officer, the  
5 question for the house must be stated as, "Shall the ruling of  
6 the chair be upheld?".

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

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

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

18 **100 House Members**

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

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

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

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1 (three-fifths);

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

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

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

11 **Members Present and Voting**

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

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

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

19 (4) except as provided in H40-90(2), a motion to withdraw a  
20 bill from a committee pursuant to H40-90 (three-fifths);

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

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

27 (7) a motion to change a vote pursuant to H50-210

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1 (unanimous);

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

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

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

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

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

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

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

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

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

22 **Entire Legislature**

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

26 **H50-170. Reconsideration -- time restriction.** (1) Any  
27 representative may, within 1 legislative day of a vote, move to

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1 reconsider the House vote on any matter still within the control  
2 of the House.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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1 (9) to suspend the rules; and

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

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

7 (a) to adjourn;

8 (b) for a call of the House;

9 (c) to recess or rise;

10 (d) for a question of privilege;

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

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

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

14 (h) to refer or rerefer; and

15 (i) to propose amendments.

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

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

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

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

22 (b) when the previous question has been ordered and before  
23 the final vote;

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

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



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

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

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

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

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

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

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

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

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

26 **H60-100. Moving the previous question after a motion to**  
27 **table.** (1) If a motion to table is made directly to a main

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1 motion, a motion for the previous question is not in order.

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

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

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

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

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

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

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

27 (6) question another representative, "Mister/Madam

1 Speaker/Chairman, would Representative \_\_\_ yield to a question?"

2 **CHAPTER 7**

3 **Rules**

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

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

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

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

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

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

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

23 **H70-50. Interpreting rules -- appeal.** The Speaker shall  
24 interpret all questions on House rules, subject to appeal by any  
25 15 representatives to the House Rules Committee. Unless the delay  
26 would cause legislation to fail to meet a scheduled deadline, the  
27 House Rules Committee may consider and report on the appeal on

1 the next legislative day. The decision of the House Rules  
2 Committee may be appealed to the House by any representative.

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

6 **Appendix**

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

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

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

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

27 **Education:** Higher education; home schools; K-12 education;

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1 religion in schools; school buildings and other structures;  
2 school libraries and university system libraries; school safety;  
3 school sports; school staff other than teachers; school  
4 transportation; students; teachers; and vocational education and  
5 training.

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

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

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

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

24 **Judiciary:** Abortion; arbitration and mediation; civil  
25 procedure; constitutional amendments; consumer protection;  
26 contracts; corrections; courts; criminal law; criminal procedure;  
27 discrimination; evidence; family law; fees imposed by or relating

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1 to the court system; guaranty; human rights; impeachment;  
2 indemnity; judicial system; landlord and tenant; law enforcement;  
3 liability and immunity from liability; minors; practice of law;  
4 privacy; property law; religion other than in schools; state law  
5 library; surety; torts; and trusts and estates.

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

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

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

23 **Rules:** House rules; joint rules; legislative procedure;  
24 jurisdictions of committees; and rules of decorum.

25 **State Administration:** Administrative rules; arts and  
26 antiquities; ballots; elections; initiative and referendum  
27 procedures; military affairs; public contracts and procurement;

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1 public employee retirement systems; state buildings; state  
2 employees; state employee benefits; state equipment and property,  
3 except state lands and state parks; state government generally;  
4 state-owned libraries other than the state law library; veterans;  
5 and voting.

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

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

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

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

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

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1           (4) If a committee chair upon consultation with the vice  
2 chair determines that the committee cannot effectively process  
3 all bills assigned to the committee because of time limitations,  
4 the chair shall, in writing, request the Speaker to reassign  
5 specific bills. The Speaker shall reassign the bills to an  
6 appropriate committee. The reassignments must be announced to the  
7 House. The reassignments do not require action or approval by the  
8 House, but may be overturned by a three-fifths vote.

9                               - END -

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