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As of: October 21, 2016 (9:07am)

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

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

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**

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

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

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

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

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

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

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

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

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

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

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

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

26 **H20-50. Dilatory motions or questions -- appeal.** The House
27 has a right to protect itself from dilatory motions or questions

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

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

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

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

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

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

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

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

9 **CHAPTER 3**

10 **Committees**

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

12 **classification.** (1) (a) The Pursuant to subsection (1)(b), the
13 Speaker shall determine the total number of members and after
14 good faith consultation with the minority leader shall appoint
15 the chairs, vice chairs, and members to the standing committees.

16 (b) The number of majority and minority members assigned to
17 each standing or select committee must reflect the actual overall
18 proportion of majority party house members to minority house
19 members. If the membership proportion results in a fractional
20 number, the Speaker may round the fractional number up to a whole
21 number for purposes of committee membership.

22 ~~(b)~~ (c) The minority leader shall designate a minority vice
23 chair for each standing committee.

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

25 (a) class one committees:

26 (i) Appropriations;

27 (ii) Business and Labor;

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- 1 (iii) Judiciary;
- 2 (iv) State Administration; and
- 3 (v) Taxation;
- 4 (b) class two committees:
- 5 (i) Education;
- 6 (ii) federal Relations, Energy, and Telecommunications;
- 7 (iii) Human Services;
- 8 (iv) Natural Resources; and
- 9 (v) Transportation;
- 10 (c) class three committees:
- 11 (i) Agriculture;
- 12 (ii) Fish, Wildlife, and Parks; and
- 13 (iii) Local Government; and
- 14 (d) on call committees:
- 15 (i) Ethics;
- 16 (ii) Rules; and
- 17 (iii) Legislative Administration.
- 18 (3) A class 1 committee is scheduled to meet Monday through
- 19 Friday. A class 2 committee is scheduled to meet Monday,
- 20 Wednesday, and Friday. A class 3 committee is scheduled to meet
- 21 Tuesday and Thursday. Unless a class is prescribed for a
- 22 committee, it meets upon the call of the chair.
- 23 (4) The Legislative Council shall review the workload of
- 24 the standing committees to determine if any change is indicated
- 25 in the class of a standing committee for the next legislative
- 26 session. The Legislative Council's recommendations must be
- 27 submitted to the leadership nominated or elected at the

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1 presession caucus provided for in 5-2-201.

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

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

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

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

18 (a) preside over meetings of the committee and to put all
19 questions;

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

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

23 (d) have the committee secretary keep the official record
24 of the minutes;

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

27 (f) appoint subcommittees to perform on a formal or an

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1 informal basis as provided in subsection (2); and

2 (g) inform the Speaker of committee activity.

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

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

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

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

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

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

26 (b) a formal meeting at which the committees may discuss
27 and take official action on bills, resolutions, or other matters

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1 without testimony; or

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

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

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

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

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

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

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

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

27 (d) all motions and their disposition;

- 1 (e) the results of all votes;
- 2 (f) references to the recording log, sufficient to serve as
- 3 an index to the original recording; and
- 4 (g) testimony and exhibits submitted in writing.

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

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

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

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

17 (A) with the recommendation that it be referred to another
18 committee;

19 (B) favorably as to passage; or

20 (C) unfavorably; or

21 (ii) by tabling the measure in committee.

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

27 (c) A bill may not be withdrawn by the sponsor after a

1 hearing.

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

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

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

- 14 (a) the measure in the form reported out;
- 15 (b) the recommendation of the committee;
- 16 (c) an identification of all substantive changes; and
- 17 (d) a fiscal note, if required.

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

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

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

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

13 (11) An action formally taken by a committee may not be
14 altered in the committee except by reconsideration and further
15 formal action of the committee.

16 (12) A committee may reconsider any action as long as the
17 matter remains in the possession of the committee. A committee
18 member need not have voted with the prevailing side in order to
19 move reconsideration.

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

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

27 (15) The privileges of committee members include the

1 following:

2 (a) to participate freely in committee discussions and
3 debate;

4 (b) to offer motions;

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

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

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

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

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

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

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

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

21 (1) Testimony from proponents, opponents, and informational
22 witnesses must be allowed on every bill or resolution before a
23 standing or select committee. All persons, other than the
24 sponsor, offering testimony shall register on the committee
25 witness list.

26 (2) Any person wishing to offer testimony to a committee
27 hearing a bill or resolution must be given a reasonable

1 opportunity to do so, orally or in writing. Written testimony
2 may not be required of any witness, but all witnesses must be
3 encouraged to submit a statement in writing for the committee's
4 official record.

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

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

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

18 **CHAPTER 4**

19 **Legislation**

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

25 **H40-20. House resolutions.** (1) A House resolution is used
26 to adopt or amend House rules, make recommendations on the
27 districting and apportionment plan (Montana Constitution, Art. V,

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1 Sec. 14), express the sentiment of the House, or assist House
2 operations.

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

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

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

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

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

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1 Submission and numbering of properly endorsed legislation
2 constitutes introduction.

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

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

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

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

18
19 Legislation properly introduced or received in the House must be
20 announced across the rostrum and public notice provided. This
21 announcement constitutes first reading, and no debate or motion
22 is in order except that a representative may question adherence
23 to rules. Acknowledgment by the Chief Clerk of receipt of
24 legislation transmitted from the Senate commences the time limit
25 for consideration of the legislation. All legislation received
26 by the House may be referred to a committee prior to being read
27 across the rostrum.

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1 **H40-60. One reading per day -- exception.** Except on the
2 final legislative day, legislation may receive no more than one
3 reading per legislative day. On the final legislative day,
4 legislation may receive more than one reading.

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

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

12 **H40-80. Rereferral -- Appropriations Committee rereferral --**
13 **normal progression.** (1) Except as provided in subsection (2),
14 legislation that is in the possession of the House and that has
15 not been finally disposed of may be rereferred to a House
16 committee by House motion approved by not less than three-fifths
17 of the members present and voting.

18 (2) (a)(i) Legislation Except as provided in H40-
19 80(2)(a)(ii), legislation that is in the possession of the House
20 and that has been reported from a committee with a do pass or be
21 concurred in recommendation may be rereferred to a House
22 committee by a majority vote.

23 (ii) Legislation that increases revenue to the state and
24 that is in the possession of the House and that has been reported
25 from the House Taxation committee with a do pass or be concurred
26 in recommendation may not be rereferred to the House
27 Appropriations committee.

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

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

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

17 **H40-90. Legislation withdrawn from committee.** ~~(1) Except as~~
18 ~~provided in subsection (2),~~ legislation Legislation may be
19 withdrawn from a House committee by House motion approved by ~~not~~
20 ~~less than three fifths~~ a majority of the members present and
21 voting.

22 ~~(2) For the 2015 Session, the majority party leadership and~~
23 ~~the minority party leadership may each make up to six separate~~
24 ~~requests to withdraw a bill from a House committee, and these~~
25 ~~requests require only a simple majority of those present and~~
26 ~~voting to withdraw a bill from a House committee.~~

27 **H40-100. Standing committee reports -- requirement for**

1 **rejection of adverse committee report.** (1) A House standing
2 committee recommendation of "do pass" or "be concurred in" must
3 be announced across the rostrum and, if there is no objection to
4 form, is considered adopted.

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

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

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

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

26 (b) The legislation must then be sent to be processed and
27 reproduced as a third reading version and specifically marked as

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1 a "consent calendar" item.

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

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

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

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

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

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

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

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

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

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

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

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

27 (4) If a motion to recommend that a bill "do pass" or "be

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

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

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

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

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

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

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

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

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

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

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

21 (a) recommend passage or nonpassage;

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

24 (c) amend;

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

26 (e) pass consideration;

27 (f) call for cloture;

1 (g) change the order in which legislation is placed on the
2 agenda; and

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

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

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

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

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

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

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

1 (ii) Each substitute motion to amend the original question
2 is subject to a cloture motion and the cloture requirements
3 provided for in this rule.

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

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

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

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

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

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

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

26 (3) After the presentation by the subcommittee chairman,
27 the respective section of the bill is open for debate, questions,

1 and amendments. A proposed amendment to the general
2 appropriations act may not be divided.

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

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

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

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

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

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

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1 purposes of this rule, "engrossing" means placing amendments in a
2 bill. (See Joint Rule 40-150.)

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

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

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

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

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

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

1 required vote is obtained.

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

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

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

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

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

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

26 **H40-240. Enrolling.** (1) When House legislation has passed
27 both houses, it must be enrolled within 48 hours under the

1 direction of the Speaker. The Speaker may grant additional time
2 for enrolling.

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

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

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

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

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

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

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

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

1 **CHAPTER 5**

2 **Floor Actions**

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

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

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

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

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

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

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

27 (3) When a quorum has been achieved under the call, the

1 call is automatically lifted. The call may also be lifted by
2 adjournment or by two-thirds of the representatives present and
3 voting.

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

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

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

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

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

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

- 18 (1) communications and petitions;
- 19 (2) reports of standing committees;
- 20 (3) reports of select committees;
- 21 (4) messages from the Senate;
- 22 (5) messages from the Governor;
- 23 (6) first reading and commitment of bills;
- 24 (7) second reading of bills;
- 25 (8) third reading of bills;
- 26 (9) motions;
- 27 (10) unfinished business;

1 (11) special orders of the day; and

2 (12) announcement of committee meetings.

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

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

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

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

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

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

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

25 (2) The following motions are nondebatable:

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

27 (b) for a call of the House;

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- 1 (c) to recess or rise;
- 2 (d) for parliamentary inquiry;
- 3 (e) to table or take from the table;
- 4 (f) to call for the previous question or cloture;
- 5 (g) to amend a nondebatable motion;
- 6 (h) to divide a question;
- 7 (i) to suspend the rules;
- 8 (j) all incidental motions, such as motions relating to
- 9 voting or of a general procedural nature;
- 10 (k) to appeal a call to order;
- 11 (l) to question the lack of a quorum pursuant to H50-20;
- 12 and
- 13 (m) to change a vote pursuant to H50-210.

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

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

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

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

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

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

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

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

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

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

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

1 the chair be upheld?".

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

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

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

13 **100 House Members**

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

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

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

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

27 (5) a motion to appropriate the principal of the noxious

1 weed management trust fund pursuant to Article IX, section 6, of
2 the Montana Constitution (three-fourths);

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

6 **Members Present and Voting**

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

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

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

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

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

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

22 (7) a motion to change a vote pursuant to H50-210
23 (unanimous);

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

26 (9) a motion to approve a bill conferring immunity from
27 suit as described in Article II, section 18, of the Montana

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1 Constitution (two-thirds);

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

4 ~~(11) a motion to overturn an adverse committee report~~
5 ~~pursuant to H40-100(2) (three fifths);~~

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

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

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

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

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

17 **Entire Legislature**

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

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

25 (2) A motion to reconsider is a debatable motion, but the
26 debate is limited to the motion. The debate on a motion to
27 reconsider is limited to two proponents and two opponents to the

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1 motion and the debate may not address the substance of the matter
2 for which reconsideration is sought. However, an inquiry may be
3 made concerning the purpose of the motion to reconsider.

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

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

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

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

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

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

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

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

26 **H50-200. Voting -- conflict of interest -- present by**
27 **electronic means.** (1) The representatives shall vote to decide

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1 any motion or question properly before the House. Each
2 representative has one vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) A motion to adjourn for a legislative day must specify
24 a date and time for the House to convene on the subsequent
25 legislative day.

26 **H50-250. Adjournment sine die.** Subject to Article V, section
27 10(5), of the Montana Constitution, a representative may move

1 that the House adjourn for the session. The motion is
2 nondebatable and may be made under any order of business except
3 Order of Business No. 7.

4 **CHAPTER 6**

5 **Motions**

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

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

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

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

26 **H60-30. Motions allowed during debate.** (1) When a
27 question is under debate, only the following motions are in

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1 order. The motions have precedence in the following order:

2 (a) to adjourn;

3 (b) for a call of the House;

4 (c) to recess or rise;

5 (d) for a question of privilege;

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

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

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

9 (h) to refer or rerefer; and

10 (i) to propose amendments.

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

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

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

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

17 (b) when the previous question has been ordered and before
18 the final vote;

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

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

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

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

27 **H60-50. Motion to table.** (1) A motion to table, if

1 carried, has the effect of postponing action on the proposition
2 to which it was applied until superseded by a motion to take from
3 the table.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (6) question another representative, "Mister/Madam
23 Speaker/Chairman, would Representative ____ yield to a question?"

CHAPTER 7

Rules

24
25
26 **H70-10. House rules -- amendment -- report timing.** (1) The
27 House may adopt, through a House resolution passed by a majority

1 of its members, rules to govern its proceedings.

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

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

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

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

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

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

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

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

1 **Appendix**

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **Rules:** House rules; joint rules; legislative procedure;
19 jurisdictions of committees; and rules of decorum.

20 **State Administration:** Administrative rules; arts and
21 antiquities; ballots; elections; initiative and referendum
22 procedures; military affairs; public contracts and procurement;
23 public employee retirement systems; state buildings; state
24 employees; state employee benefits; state equipment and property,
25 except state lands and state parks; state government generally;
26 state-owned libraries other than the state law library; veterans;
27 and voting.

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

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

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

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

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

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

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1 appropriate committee. The reassignments must be announced to the
2 House. The reassignments do not require action or approval by the
3 House, but may be overturned by a ~~three-fifths vote~~ majority of
4 members present and voting.

5 - END -

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