

HOUSE RESOLUTION NO. 1

INTRODUCED BY DRISCOLL  
BY REQUEST OF THE HOUSE RULES COMMITTEE

IN THE HOUSE

JANUARY 5, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON RULES.
JANUARY 7, 1991	FIRST READING.
JANUARY 10, 1991	COMMITTEE RECOMMEND RESOLUTION BE ADOPTED AS AMENDED. REPORT ADOPTED.
JANUARY 11, 1991	PRINTING REPORT.
JANUARY 14, 1991	SECOND READING, ADOPTED AS AMENDED. AYES, 90; NOES, 10.
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HOUSE RESOLUTION NO. 1

INTRODUCED BY DRISCOLL

BY REQUEST OF THE HOUSE RULES COMMITTEE

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT RULES TO GOVERN ITS PROCEEDINGS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following rules be adopted:

Chapter 1

Administration

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

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

H10-20. Speaker's duties. (1) The Speaker is the presiding officer of the House, with authority for administration, order, and decorum.

(2) The Speaker may order the galleries or lobbies

cleared in case of disturbance or disorderly conduct.

(3) The Speaker shall appoint and may remove the members of all standing and select committees not otherwise specified by law or rule.

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

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

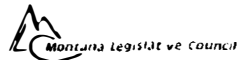
(6) The Speaker is the chief administrative officer of the House, with authority for supervising all House employees. The Speaker may seek the advice and counsel of the Legislative Administration Committee regarding employees.

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

H10-40. Speaker pro tempore duties. The Speaker pro tempore shall act as the presiding officer in the absence of the Speaker and shall carry out other duties assigned by the Speaker.

INTRODUCED BILL

HR 1



1 **H10-50. Legislative Administration Committee duties.**

2 (1) The Legislative Administration Committee shall consider  
3 matters relating to legislative administration, staffing  
4 patterns, budgets, equipment, operations, and expenditures.

5 (2) The committee shall have authority to act in the  
6 interim to prepare for future legislative sessions. It may  
7 delegate specific duties to a legislative agency.

8 (3) The committee shall approve contracts for purchase  
9 or lease of equipment and supplies for the House, subject to  
10 the approval of the Speaker.

11 (4) The committee shall comprise the House membership  
12 of the Joint Legislative Administration Committee.

13 **H10-60. Employees.** (1) The Speaker shall appoint a  
14 Chief Clerk, Sergeant-at-Arms, and Chaplain, subject to  
15 confirmation of the House (section 5-2-221, MCA).

16 (2) The Speaker shall recommend to the Legislative  
17 Administration Committee employment of necessary staff.

18 (3) The secretary for a standing or select committee is  
19 generally responsible to the committee chairman but shall  
20 work under the direction of the Chief Clerk.

21 (4) The Speaker and majority and minority floor leaders  
22 may each appoint a private secretary.

23 **H10-70. Chief Clerk's duties.** The Chief Clerk, under  
24 the supervision of the Speaker, is responsible to:

25 (1) have custody of all records and documents of the

1 House;

2 (2) supervise the handling of legislation in the House,  
3 the House journal, and other House publications; deliver to  
4 the Secretary of State at the close of each session the  
5 House journal, bill and resolution records, and all original  
6 House bills and joint resolutions; collect minutes and  
7 exhibits from all House committees and subcommittees and  
8 deliver them, unbound, to the Legislative Council librarian  
9 who will arrange to have them copied on microfilm. A  
10 microfilm copy will be provided to the Legislative Council  
11 and the Montana State Law Library. The Legislative Fiscal  
12 Analyst will receive a microfilm copy of the minutes from  
13 the appropriation committee and subcommittees. After  
14 microfilming, the original minutes will be delivered to the  
15 Montana Historical Society.

16 **H10-80. Sergeant-at-Arms duties.** The Sergeant-at-Arms,  
17 under the supervision of the Speaker, has the responsibility  
18 to:

19 (1) maintain order under the direction of the presiding  
20 officer;

21 (2) execute commands and serve all processes of the  
22 House; and

23 (3) receive, distribute, and have custody of House  
24 supplies and equipment.

25 **H10-90. Legislative aides.** (1) A legislative aide is a

1 person specifically designated by a representative to assist  
2 that representative in performing legislative duties. A  
3 representative may sponsor one legislative aide a session by  
4 written notification to the Sergeant-at-Arms.

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

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

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

13 H10-100. Legislative interns. A legislative intern is a  
14 person designated under Title 5, chapter 6, MCA.

15 H10-110. House journal. (1) The House shall keep a  
16 journal, which is the official record of House actions  
17 (Montana Constitution, Art. V, Sec. 10). The journal must be  
18 prepared under the direction of the Speaker.

19 (2) Records of the following proceedings must be  
20 entered on the journal:

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

24 (b) committee reports;

25 (c) messages from the Governor;

1 (d) messages from the Senate;

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

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

5 (g) consideration of legislation subsequent to  
6 introduction;

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

10 (i) roll call votes; and

11 (j) upon a request by two representatives before a vote  
12 is taken, the names of the representatives and their votes  
13 on the question.

14 (3) The Chief Clerk shall provide to the Legislative  
15 Council such information as may be required for the  
16 publication of the daily journal. Upon approval by the  
17 Speaker, the daily journal shall be reproduced and  
18 distributed.

19 (4) Any representative may examine the daily journal  
20 and propose corrections. The speaker may direct a correction  
21 to be made when suggested subject to objection by the House.

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

24 (6) The Legislative Council shall publish and  
25 distribute the House journal (sections 5-11-202 and

1 5-11-203, MCA). The title of each bill must be listed in the  
2 index of the published session journal.

3 H10-120. Votes recorded and public. Every vote of each  
4 representative on each substantive question in the House, in  
5 any committee, or in committee of the whole must be recorded  
6 and made public (Montana Constitution, Art. V, Sec. 11).

7 H10-130. Duration of legislative day. A legislative day  
8 ends either 24 hours after the House convenes for that day  
9 or at the time the House convenes for the following  
10 legislative day, whichever is earlier.

11 Chapter 2

12 Decorum

13 H20-10. Questions of order and privilege. (1) Questions  
14 of order and privilege, in order of precedence, are:

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

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

19 (2) The Speaker shall decide all questions of order and  
20 privilege, subject to an appeal by any representative  
21 seconded by two representatives.

22 H20-20. Limits on lobbying. Lobbying on the House floor  
23 and in the anteroom is prohibited during a daily session, 2  
24 hours before the session, and 2 hours after the session.

25 H20-30. Admittance to the House floor. The following

1 persons may be admitted to the House floor during a daily  
2 session: present and former legislators; legislative  
3 employees necessary for the conduct of the session;  
4 accredited news staff; and members' spouses and children.  
5 The Speaker may allow exceptions to this rule.

6 H20-40. Dilatory motions or questions. The House has a  
7 right to protect itself from dilatory motions or questions  
8 used for the purpose of delaying or obstructing business.  
9 The presiding officer shall decide if motions (except a  
10 call of the House) or questions are dilatory. This decision  
11 may be appealed to the House.

12 H20-50. Opening and order of business. The opening of  
13 each legislative day must include an invocation, the pledge  
14 of allegiance, and roll call. Following the opening, the  
15 order of business of the House is as follows:

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

1 (11) special orders of the day; and

2 (12) announcement of committee meetings.

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

7 (2) The Speaker or the Legislative Administration  
8 Committee may discipline or discharge any House employee  
9 violating this prohibition. The Speaker or the committee may  
10 withdraw the privileges of any House aide or intern  
11 violating this prohibition.

12 H20-70. Papers distributed on desks. A paper concerning  
13 proposed legislation may not be placed on representatives'  
14 desks unless it is signed and permission has been granted by  
15 the Speaker. The Sergeant-at-Arms shall direct its  
16 distribution.

### 17 Chapter 3

### 18 Committees

19 H30-10. House standing committees. The following are  
20 the House standing committees: Agriculture, Livestock, and  
21 Irrigation; Appropriations; Business and Economic  
22 Development; Education and Cultural Resources; Fish and  
23 Game; Highways and Transportation; Human Services and Aging;  
24 Judiciary; Labor and Employment Relations; Legislative  
25 Administration; Local Government; Natural Resources; Rules;

1 State Administration; and Taxation.

2 H30-20. Chairman's duties. The chairman of a committee  
3 is the presiding officer of that committee and is  
4 responsible for maintaining order within the committee room  
5 and its environs, scheduling hearings and executive action,  
6 supervising committee work, and certifying committee reports  
7 and minutes.

8 H30-30. Officers as members. The Speaker, majority  
9 leader, and minority leader are ex officio, nonvoting  
10 members of all House committees. They are not required to be  
11 considered in the quorum, but they may count toward  
12 establishing a quorum.

13 H30-40. Committee action. (1) When legislation is  
14 referred to a committee, it may recommend approval or  
15 disapproval, with or without amendment.

16 (2) The committee may recommend that a bill on which it  
17 has made a favorable recommendation by unanimous vote be  
18 placed on the consent calendar.

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

21 (4) If a bill is withdrawn from a committee and brought  
22 to the House floor without a committee recommendation, the  
23 bill must include amendments formally adopted by committee  
24 action as reflected in committee minutes for debate on  
25 second reading.

1       **H30-50. Reconsideration in committee.** A committee,  
2 including the Committee of the Whole, may at any time prior  
3 to submitting a report to the Chief Clerk reconsider its  
4 previous action on legislation.

5       **H30-60. Legislation requested by a committee.** At least  
6 two-thirds of all the representatives of a standing  
7 committee must have voted in favor of the question to allow  
8 the committee to request the drafting or introduction of  
9 legislation. Votes requesting drafting and introduction of  
10 committee legislation may be taken jointly or separately.

11       **H30-70. Rules committee makeup.** The Speaker will  
12 determine the total number of members and the party  
13 division, but each party will appoint its own members.

14                   Chapter 4  
15                   Legislation

16       **H40-10. Introduction deadlines.** (1) Except as provided  
17 in subsection (2), if a representative accepts drafted  
18 legislation from the Legislative Council after the deadline  
19 for introduction, the representative may not introduce that  
20 legislation after 48 hours from the time the bill was  
21 accepted from the Legislative Council.

22       (2) No bill or resolution may be introduced any later  
23 than 5 p.m. 5 legislative days prior to the appropriate  
24 transmittal deadline.

25       **H40-20. House resolutions.** (1) A House resolution is

1 used to adopt or amend House rules, make recommendations on  
2 the districting and apportionment plan (Montana  
3 Constitution, Art. V, Sec. 14), express the sentiment of the  
4 House, or assist House operations.

5       (2) As to drafting, introduction, and referral, a House  
6 resolution is treated as a bill. Final passage of a House  
7 resolution is determined by the Committee of the Whole  
8 report. A House resolution does not progress to third  
9 reading.

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

13       **H40-30. Cosponsors.** (1) Prior to submitting legislation  
14 to the Chief Clerk for introduction, the chief sponsor may  
15 add representatives and senators as cosponsors by having  
16 them sign the three copies.

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

23       **H40-40. Introduction.** (1) During a session, proposed  
24 House legislation may be introduced in the House by  
25 submitting it in triplicate, endorsed with the signature of

1 a representative as chief sponsor, to the Chief Clerk for  
 2 introduction. In each session of the Legislature, the  
 3 proposed legislation must be numbered consecutively by type  
 4 in the order of receipt. Submission and numbering of  
 5 properly endorsed legislation constitutes introduction.

6 (2) Preintroduction of legislation prior to a session  
 7 under provisions of the joint rules constitutes introduction  
 8 in the House.

9 (3) Acknowledgment by the Chief Clerk of receipt of  
 10 legislation transmitted from the Senate for consideration by  
 11 the House constitutes introduction of the Senate legislation  
 12 in the House.

13 **H40-50. First reading.** Legislation properly introduced  
 14 or received in the House must be announced across the  
 15 rostrum and public notice provided. This announcement  
 16 constitutes first reading, and no debate or motion is in  
 17 order except that a representative may question adherence to  
 18 rules.

19 **H40-60. One reading per day.** Except on the final  
 20 legislative day, legislation may receive no more than one  
 21 reading per legislative day. On the final legislative day,  
 22 legislation may receive more than one reading.

23 **H40-70. Referral.** (1) The Speaker shall refer to a  
 24 House committee all properly introduced House legislation  
 25 and transmitted Senate legislation.

1 (2) Legislation may not receive final passage and  
 2 approval unless it has been referred to a House committee.

3 **H40-80. Rereferral.** Legislation that is in the  
 4 possession of the House and that has not been killed may be  
 5 rereferred to a House committee by House motion approved by  
 6 not less than three-fifths of the members present and  
 7 voting.

8 **H40-90. Legislation withdrawn from committee.** (1)  
 9 Legislation not previously adopted on second reading in the  
 10 House may be withdrawn from a House committee by House  
 11 motion approved by not less than three-fifths of the members  
 12 present and voting.

13 (2) Legislation previously adopted on second reading  
 14 and rereferred to a House committee other than the committee  
 15 to which it had originally been referred may be withdrawn  
 16 from a House committee by House motion approved by not less  
 17 than a majority of the members present and voting.

18 **H40-100. Standing committee reports.** (1) A House  
 19 standing committee recommendation of "do pass" or "be  
 20 concurred in" must be announced across the rostrum and, if  
 21 there is no objection to form, is considered adopted.

22 (2) A recommendation of "do not pass" or "be not  
 23 concurred in" must be announced across the rostrum and, on  
 24 the following legislative day, may be debated and adopted or  
 25 rejected on Order of Business No. 2. A motion to reject an



1 adverse committee report on a bill not previously adopted on  
 2 second reading must be approved by not less than  
 3 three-fifths of the members voting. A motion to reject an  
 4 adverse committee report on a bill previously adopted on  
 5 second reading and rereferred to a House committee other  
 6 than the committee to which it had been originally referred  
 7 must be approved by not less than a majority of the members  
 8 present and voting. Failure to adopt a motion to reject an  
 9 adverse committee report constitutes adoption of the report.

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

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

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

25 (2) The legislation must then be sent to be processed

1 and reproduced as a third reading version and specifically  
 2 marked as a "consent calendar" item.

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

11 (4) If any three representatives submit written  
 12 objections to the placement of the legislation on the  
 13 consent calendar, the legislation must be removed from the  
 14 consent calendar and added to the regular second reading  
 15 board.

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

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

22 (7) Legislation passed on the consent calendar must  
 23 then be transmitted to the Senate.

24 **H40-120.** Legislation requiring other than a majority  
 25 vote. Legislation that requires other than a majority vote

1 for final passage needs only a majority vote for any action  
2 that is taken prior to final passage and that normally  
3 requires a majority vote.

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

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

12 **H40-140. Second reading.** (1) Legislation returned from  
13 committee may be placed on second reading unless otherwise  
14 ordered by the House.

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

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

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

1 or "be not concurred in", is considered to have passed.

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

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

11 (7) A representative may move to segregate legislation  
12 from the Committee of the Whole report before the report is  
13 adopted. Segregated legislation, as amended by the Committee  
14 of the Whole, must be placed on second reading unless the  
15 House orders otherwise.

16 **H40-150. Amendments in the Committee of the Whole.** (1)  
17 All Committee of the Whole amendments must be checked by the  
18 House amendments coordinator for format, style, clarity,  
19 consistency, and other factors, in accordance with the most  
20 recent Bill Drafting Manual published by the Legislative  
21 Council, before the amendment may be accepted at the  
22 rostrum. The amendment form must include the date and time  
23 the amendment is submitted for that check.

24 (2) An amendment submitted to the rostrum for  
25 consideration by the Committee of the Whole must be marked

1 as checked by the amendments coordinator and signed by a  
2 representative.

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

5 **H40-160. Motions in the Committee of the Whole.** (1)  
6 When the House resolves itself into a Committee of the  
7 Whole, the only motions in order are to:

- 8 (a) amend;
- 9 (b) recommend passage or nonpassage;
- 10 (c) recommend concurrence or nonconcurrence;
- 11 (d) indefinitely postpone;
- 12 (e) reconsider;
- 13 (f) pass consideration;
- 14 (g) call for cloture;
- 15 (h) rise, rise and report, or rise and report progress  
16 and beg leave to sit again; and
- 17 (i) to change the order in which legislation is placed  
18 on the agenda.

19 (2) Subsections (1)(e) through (1)(h) are nondebatable  
20 but may be amended.

21 (3) If a quorum of representatives is not present  
22 during second reading, the Committee of the Whole may  
23 conduct no business on legislation and a motion for a call  
24 of the House without a quorum is in order.

25 **H40-170. Limits on debate in the Committee of the**

1 Whole. (1) Except for the representative who makes a motion,  
2 no representative may speak more than once on the motion and  
3 for no more than 5 minutes. The representative who makes  
4 the motion may have 5 minutes to close.

5 (2) After at least two proponents and two opponents  
6 have spoken on a question and 45 minutes have elapsed, a  
7 motion to call for cloture is in order. Approval by not less  
8 than two-thirds of the members present and voting is  
9 required to sustain a motion for cloture. Notwithstanding  
10 the passage of a motion to end debate, the sponsor of the  
11 motion on which debate <sup>was</sup> ended may close.

12 (3) By previous agreement of the Speaker and the  
13 minority floor leader, a bill or resolution may be allocated  
14 a predetermined amount of time for debate and number of  
15 speakers.

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

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

23 (3) After the presentation by the subcommittee  
24 chairman, the respective section of the bill is open for  
25 debate, questions, and amendments.

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

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

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

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

16 (8) A motion for cloture is not in order during debate  
17 on the general appropriations bill.

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

22 (2) When the legislation has been reported correctly  
23 engrossed, it may be placed on third reading on the  
24 following legislative day. On the final legislative day, the  
25 correctly engrossed legislation may be placed on third

1 reading on the same legislative day.

2 H40-200. Third reading. (1) All bills, joint  
3 resolutions, and Senate amendments to House bills and  
4 resolutions passing second reading must be placed on third  
5 reading.

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

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

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

15 H40-220. Senate amendments to House legislation. (1)  
16 When the Senate has properly returned House legislation with  
17 Senate amendments, the House shall announce the amendments  
18 on Order of Business No. 4, and the Speaker shall place them  
19 on second reading for debate.

20 (2) If the House accepts Senate amendments on  
21 legislation requiring more than a majority vote for final  
22 passage, the House, following approval of the Senate  
23 amendments on third reading, shall place the final form of  
24 the legislation on third reading to determine if the  
25 required vote is obtained.

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

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

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

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

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

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

1 consideration of the House.

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

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

10 (3) The correctly enrolled legislation must be  
11 delivered to the Speaker, who shall sign the legislation not  
12 later than the following legislative day. When enrolled  
13 legislation is delivered on the final legislative day, the  
14 Speaker shall sign it that day.

15 (4) After the legislation has been reported correctly  
16 enrolled but before it is signed, any representative may  
17 examine the legislation.

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

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

24 (3) If both the House and the Senate accept the  
25 Governor's recommended amendments on a bill that requires

1 more than a majority vote for final passage, the House shall  
2 place the final form of the legislation on third reading to  
3 determine if the required vote is obtained.

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

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

10 Chapter 5

11 Floor Actions

12 H50-10. Attendance. (1) A representative, unless  
13 excused, is required to be present at every sitting of the  
14 House.

15 (2) A representative may request in writing to be  
16 excused for a specified cause by his party leader. This  
17 excused absence is not a leave with cause from a call of the  
18 House.

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

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

25 (3) The House may conduct no business without a quorum,

1 except that representatives present may convene, compel the  
2 attendance of absent representatives, or adjourn.

3 H50-30. Call of the House without a quorum. (1) In the  
4 absence of a quorum, a majority of the representatives  
5 present may compel the attendance of absent representatives  
6 through a call of the House without a quorum. The motion for  
7 the call is nondebatable, may not be amended, and is in  
8 order at any time it has been established that a quorum is  
9 not present.

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

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

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

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

25 (3) During a call of the House, all business is

1 suspended. No motion is in order except a motion to adjourn  
2 or to remove the call.

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

7 H50-50. Leave with cause. (1) During a call of the  
8 House, a representative with an overriding medical or  
9 personal reason may request a leave with cause.

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

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

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

18 H50-60. Motions. (1) Any representative may propose a  
19 motion allowed by the rules for the order of business under  
20 which the motion is offered for the consideration of the  
21 House. Unless otherwise specified in rule or law, a majority  
22 of representatives voting is necessary and sufficient to  
23 decide a motion.

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

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

3 H50-70. Limits on debate of debatable motions. (1)  
4 Except for the representative who places a debatable motion  
5 before the body, no representative may speak more than once  
6 on the question unless a unanimous House consents. The  
7 representative who places the motion may close.

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

11 H50-80. Nondebatable motions. (1) A representative has  
12 the right to understand any question before the House and,  
13 usually under the administration of the presiding officer,  
14 may ask questions to exercise this right.

15 (2) The following motions are nondebatable:

- 16 (a) to adjourn;
- 17 (b) for a call of the House;
- 18 (c) to recess or rise;
- 19 (d) for parliamentary inquiry;
- 20 (e) to table or take from the table;
- 21 (f) to call for the previous question or cloture;
- 22 (g) to amend a nondebatable motion;
- 23 (h) to divide a question;
- 24 (i) to postpone consideration to a day certain;
- 25 (j) to suspend the rules; and

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

3 H50-90. Questions. A representative may, through the  
4 presiding officer, ask questions of another representative  
5 during a floor session. There is no limit on questions and  
6 answers, except as provided in H20-40.

7 H50-100. Amending motions -- limitations. (1) A  
8 representative may move to amend the specific provisions of  
9 a motion without changing its substance.

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

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

15 H50-110. Substitute motions. (1) When a question is  
16 before the House, no substitute motion may be made except  
17 the following, which have precedence in the order listed:

- 18 (a) to adjourn;
- 19 (b) for a call of the House;
- 20 (c) to recess or rise;
- 21 (d) for a question of privilege;
- 22 (e) to table;
- 23 (f) to call for the previous question or cloture;
- 24 (g) to postpone consideration to a day certain;
- 25 (h) to refer to a committee;

1 (i) to propose amendments; and

2 (j) to postpone indefinitely.

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

6 (3) No more than one substitute motion is in order at  
7 any one time.

8 H50-120. Withdrawing motions. A representative who  
9 proposes a motion may withdraw it before it is voted on or  
10 amended.

11 H50-130. Dividing a question. A representative may move  
12 to divide a question if it includes two or more propositions  
13 so distinct that they can be separated and if at least one  
14 substantive question remains after one substantive question  
15 is removed.

16 H50-140. Previous question. (1) If a majority of  
17 representatives present and voting adopts a motion for the  
18 previous question, debate is closed on the question and it  
19 must be brought to a vote. The Speaker may not entertain a  
20 motion to end debate unless at least one proponent and one  
21 opponent have spoken on the question.

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

25 H50-150. Questions requiring other than a majority



1 vote. The following questions require the vote specified:

2 (1) a call of the House with a quorum (one-third of the  
3 members present and voting);

4 (2) a motion to lift a call of the House (two-thirds of  
5 the members present and voting);

6 (3) a motion to amend or suspend rules (two-thirds of  
7 the members voting);

8 (4) a motion to record a vote (one representative);

9 (5) a motion to spread a vote on the journal (two  
10 representatives);

11 (6) a motion to override the Governor's veto  
12 (two-thirds of each house);

13 (7) a motion to approve a bill to appropriate the  
14 principal of the coal trust fund (three-fourths of each  
15 house);

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

20 (9) a motion to approve a bill proposing to amend the  
21 Montana Constitution (two-thirds of the entire Legislature);

22 (10) an appeal of the ruling of the presiding officer  
23 (three representatives);

24 (11) a motion to speak more than once on a debatable  
25 motion (unanimous vote);

1 (12) a motion to overturn an adverse committee report  
2 (three-fifths of the members voting);

3 (13) a motion to rerefer a bill from one committee to  
4 another (three-fifths of the members present and voting);

5 (14) a motion to withdraw a bill from a committee  
6 (three-fifths of the members present and voting);

7 (15) a motion to add legislation to the second or third  
8 reading agenda (three-fifths of the members present and  
9 voting);

10 (16) any motion to remove legislation from its normal  
11 progress through the House as provided under these rules and  
12 reassign it unless otherwise specifically provided by these  
13 rules (three-fifths of the members present and voting);

14 (17) a motion to change a vote (unanimous);

15 (18) a motion to call for cloture (two-thirds of the  
16 members present and voting); and

17 (19) a motion to approve leave with cause during a call  
18 of the house (two-thirds of the members present and voting).

19 **H50-160. Reconsideration.** (1) Any representative may,  
20 within 1 legislative day of a vote, move to reconsider the  
21 House vote on any matter still within the control of the  
22 House.

23 (2) A motion for reconsideration, unless tabled or  
24 replaced by a substitute motion, must be disposed of when  
25 made.

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

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

7 H50-170. Renewing procedural motions. The House may  
8 renew a procedural motion if further House business has  
9 intervened.

10 H50-180. Tabling. (1) Under Order of Business No. 9, a  
11 representative may move to table any question, motion, or  
12 legislation before the House except the question of a quorum  
13 or a call of the House. The motion is nondebatable and may  
14 not be amended.

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

18 H50-190. Indefinite postponement. A majority of  
19 representatives may indefinitely postpone any matter  
20 properly before the House.

21 H50-200. Voting. (1) The representatives shall vote to  
22 decide any motion or question properly before the House.  
23 Each representative has one vote.

24 (2) The House may, without objection, use a voice vote  
25 on procedural motions that are not required to be recorded

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

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

7 H50-210. Changing a vote. (1) A representative may move  
8 to change his vote within 1 legislative day of the vote. The  
9 motion is nondebatable. A unanimous House shall consent to  
10 the change. The representative making the motion shall first  
11 specify the question and the original vote tally.

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

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

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

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

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

1 (4) The House Rules Committee shall report all

2 resolutions for House rules within 1 legislative day of

3 referral.

4 H60-20. Tenure of rules. Rules adopted by the House

5 remain in effect until removed by House resolution or until

6 a new House is elected and takes office.

7 H60-30. Suspension of rules. The House may suspend a

8 House rule on a motion approved by not less than two-thirds

9 of the members voting.

10 H60-40. Supplementarily rules. Mason's Manual of

11 Legislative Procedure (1989) governs House proceedings in

12 all cases not covered by House rules.

13 H60-50. Interpreting rules. The Speaker shall interpret

14 all questions on House rules, subject to appeal by any

15 fifteen representatives to the House Rules Committee. The

16 decision of the House Rules Committee may be appealed to the

17 House by any representative.

18 H60-60. Joint rules superseded. A House rule, insofar

19 as it relates to the internal proceedings of the House,

20 supersedes a joint rule.

-End-

1 H50-230. Recess. The House may stand at ease or, by

2 majority vote, may recess under any order of business. The

3 recess may be ended at the call of the chair or at a time

4 specified.

5 H50-240. Adjournment for a legislative day. (1) A

6 representative may move that the House adjourn for that

7 legislative day. The motion is nondebatable and may be made

8 under any order of business except Order of Business No. 7.

9 (2) A motion to adjourn for a legislative day must

10 specify a date and time for the House to convene on the

11 subsequent legislative day.

12 H50-250. Adjournment sine die. A representative may

13 move that the House adjourn for the session. The motion is

14 nondebatable and may be made under any order of business

15 except Order of Business No. 7.

Chapter 6

Rules

18 H60-10. House rules. (1) The House may adopt, through a

19 House resolution passed by a majority of its members, rules

20 to govern its proceedings.

21 (2) After adoption of the House rules, two-thirds of

22 the representatives voting must vote in favor of the

23 question to amend the rules.

24 (3) The Speaker shall refer to the House Rules

25 Committee all resolutions for House rules.

APPROVED BY COMMITTEE  
ON RULES

## 1 HOUSE RESOLUTION NO. 1

2 INTRODUCED BY DRISCOLL

3 BY REQUEST OF THE HOUSE RULES COMMITTEE

4  
5 A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
6 MONTANA TO ADOPT RULES TO GOVERN ITS PROCEEDINGS.7  
8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE  
9 OF MONTANA:

10 That the following rules be adopted:

## 11 Chapter 1

## 12 Administration

13 H10-10. House officers. (1) House officers include a  
14 Speaker, a Speaker pro tempore, majority and minority floor  
15 leaders, and majority and minority whips (section 5-2-221,  
16 MCA).17 (2) A majority of representatives voting elects the  
18 Speaker and Speaker pro tempore from the House membership. A  
19 majority of each caucus voting nominates House members to  
20 the remaining offices, and those nominees are considered to  
21 have been elected by a majority vote of the House.22 H10-20. Speaker's duties. (1) The Speaker is the  
23 presiding officer of the House, with authority for  
24 administration, order, and decorum.

25 (2) The Speaker may order the galleries or lobbies

1 cleared in case of disturbance or disorderly conduct.

2 (3) The Speaker shall appoint and may remove the  
3 members of all standing and select committees not otherwise  
4 specified by law or rule.5 (4) The Speaker shall sign all necessary certifications  
6 by the House, including enrolled bills and resolutions,  
7 journals (section 5-11-201, MCA), subpoenas, and payrolls.8 (5) The Speaker shall arrange the agendas for second  
9 and third readings each legislative day. Representatives may  
10 amend the agendas as provided in H40-130.11 (6) The Speaker is the chief administrative officer of  
12 the House, with authority for supervising all House  
13 employees. The Speaker may seek the advice and counsel of  
14 the Legislative Administration Committee regarding  
15 employees.16 H10-30. Speaker-elect. During the transition period  
17 between the party organization caucuses and the election of  
18 House officers, the Speaker-elect has the responsibilities  
19 and authority appropriate to organize the House (section  
20 5-2-202, MCA). Authority includes approving pre-session  
21 expenditures.22 H10-40. Speaker pro tempore duties. The Speaker pro  
23 tempore shall act as the presiding officer in the absence of  
24 the Speaker and shall carry out other duties assigned by the  
25 Speaker.

**H10-50. Legislative Administration Committee duties.**

(1) The Legislative Administration Committee shall consider matters relating to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

(2) The committee shall have authority to act in the interim to prepare for future legislative sessions. It may delegate specific duties to a legislative agency.

(3) The committee shall approve contracts for purchase or lease of equipment and supplies for the House, subject to the approval of the Speaker.

(4) The committee shall comprise the House membership of the Joint Legislative Administration Committee.

**H10-60. Employees.** (1) The Speaker shall appoint a Chief Clerk, Sergeant-at-Arms, and Chaplain, subject to confirmation of the House (section 5-2-221, MCA).

(2) The Speaker shall recommend to the Legislative Administration Committee employment of necessary staff.

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

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

**H10-70. Chief Clerk's duties.** The Chief Clerk, under the supervision of the Speaker, is responsible to:

(1) have custody of all records and documents of the

House;

(2) supervise the handling of legislation in the House, the House journal, and other House publications; deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and all original House bills and joint resolutions; collect minutes and exhibits from all House committees and subcommittees and deliver them, unbound, to the Legislative Council librarian who will arrange to have them copied on microfilm. A microfilm copy will be provided to the Legislative Council and the Montana State Law Library. The Legislative Fiscal Analyst will receive a microfilm copy of the minutes from the appropriation committee and subcommittees. After microfilming, the original minutes will be delivered to the Montana Historical Society.

**H10-80. Sergeant-at-Arms duties.** The Sergeant-at-Arms, under the supervision of the Speaker, has the responsibility to:

(1) maintain order under the direction of the presiding officer;

(2) execute commands and serve all processes of the House; and

(3) receive, distribute, and have custody of House supplies and equipment.

**H10-90. Legislative aides.** (1) A legislative aide is a

1 person specifically designated by a representative to assist  
 2 that representative in performing legislative duties. A  
 3 representative may sponsor one legislative aide a session by  
 4 written notification to the Sergeant-at-Arms.

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

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

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

13 H10-100. Legislative interns. A legislative intern is a  
 14 person designated under Title 5, chapter 6, MCA.

15 H10-110. House journal. (1) The House shall keep a  
 16 journal, which is the official record of House actions  
 17 (Montana Constitution, Art. V, Sec. 10). The journal must be  
 18 prepared under the direction of the Speaker.

19 (2) Records of the following proceedings must be  
 20 entered on the journal:

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

24 (b) committee reports;

25 (c) messages from the Governor;

1 (d) messages from the Senate;

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

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

5 (g) consideration of legislation subsequent to  
 6 introduction;

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

10 (i) roll call votes; and

11 (j) upon a request by two representatives before a vote  
 12 is taken, the names of the representatives and their votes  
 13 on the question.

14 (3) The Chief Clerk shall provide to the Legislative  
 15 Council such information as may be required for the  
 16 publication of the daily journal. Upon approval by the  
 17 Speaker, the daily journal shall be reproduced and  
 18 distributed.

19 (4) Any representative may examine the daily journal  
 20 and propose corrections. The speaker may direct a correction  
 21 to be made when suggested subject to objection by the House.

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

24 (6) The Legislative Council shall publish and  
 25 distribute the House journal (sections 5-11-202 and

1 5-11-203, MCA). The title of each bill must be listed in the  
2 index of the published session journal.

3 H10-120. Votes recorded and public. Every vote of each  
4 representative on each substantive question in the House, in  
5 any committee, or in committee of the whole must be recorded  
6 and made public (Montana Constitution, Art. V, Sec. 11).

7 H10-130. Duration of legislative day. A legislative day  
8 ends either 24 hours after the House convenes for that day  
9 or at the time the House convenes for the following  
10 legislative day, whichever is earlier.

## 11 Chapter 2

### 12 Decorum

13 H20-10. Questions of order and privilege. (1) Questions  
14 of order and privilege, in order of precedence, are:

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

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

19 (2) The Speaker shall decide all questions of order and  
20 privilege, subject to an appeal by any representative  
21 seconded by two representatives.

22 H20-20. Limits on lobbying. Lobbying on the House floor  
23 and in the anteroom is prohibited during a daily session, 2  
24 hours before the session, and 2 hours after the session.

25 H20-30. Admittance to the House floor. The following

1 persons may be admitted to the House floor during a daily  
2 session: present and former legislators; legislative  
3 employees necessary for the conduct of the session;  
4 accredited news staff; and members' spouses and children.  
5 The Speaker may allow exceptions to this rule.

6 H20-40. Dilatory motions or questions. The House has a  
7 right to protect itself from dilatory motions or questions  
8 used for the purpose of delaying or obstructing business.  
9 The presiding officer shall decide if motions (except a  
10 call of the House) or questions are dilatory. This decision  
11 may be appealed to the House.

12 H20-50. Opening and order of business. The opening of  
13 each legislative day must include an invocation, the pledge  
14 of allegiance, and roll call. Following the opening, the  
15 order of business of the House is as follows:

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

1 (11) special orders of the day; and

2 (12) announcement of committee meetings.

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

7 (2) The Speaker or the Legislative Administration  
8 Committee may discipline or discharge any House employee  
9 violating this prohibition. The Speaker or the committee may  
10 withdraw the privileges of any House aide or intern  
11 violating this prohibition.

12 H20-70. Papers distributed on desks. A paper concerning  
13 proposed legislation may not be placed on representatives'  
14 desks unless it is signed and permission has been granted by  
15 the Speaker. The Sergeant-at-Arms shall direct its  
16 distribution.

17 Chapter 3

18 Committees

19 H30-10. House standing committees. The following are  
20 the House standing committees: Agriculture, Livestock, and  
21 Irrigation; Appropriations; Business and Economic  
22 Development; Education and Cultural Resources; Fish and  
23 Game; Highways and Transportation; Human Services and Aging;  
24 Judiciary; Labor and Employment Relations; Legislative  
25 Administration; Local Government; Natural Resources; Rules;

1 State Administration; and Taxation.

2 H30-20. Chairman's duties. The chairman of a committee  
3 is the presiding officer of that committee and is  
4 responsible for maintaining order within the committee room  
5 and its environs, scheduling hearings and executive action,  
6 supervising committee work, and certifying committee reports  
7 and minutes.

8 H30-30. Officers as members. The Speaker, majority  
9 leader, and minority leader are ex officio, nonvoting  
10 members of all House committees. They are not required to be  
11 considered in the quorum, but they may count toward  
12 establishing a quorum.

13 H30-40. Committee action. (1) When legislation is  
14 referred to a committee, it may recommend approval or  
15 disapproval, with or without amendment.

16 (2) The committee may recommend that a bill on which it  
17 has made a favorable recommendation by unanimous vote be  
18 placed on the consent calendar.

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

21 (4) If a bill is withdrawn from a committee and brought  
22 to the House floor without a committee recommendation, the  
23 bill must include amendments formally adopted by committee  
24 action as reflected in committee minutes for debate on  
25 second reading.



1       **H30-50. Reconsideration in committee.** A committee,  
2 including the Committee of the Whole, may at any time prior  
3 to submitting a report to the Chief Clerk reconsider its  
4 previous action on legislation.

5       **H30-60. Legislation requested by a committee.** At least  
6 two-thirds of all the representatives of a standing  
7 committee must have voted in favor of the question to allow  
8 the committee to request the drafting or introduction of  
9 legislation. Votes requesting drafting and introduction of  
10 committee legislation may be taken jointly or separately.

11       **H30-70. Rules committee makeup.** The Speaker will  
12 determine the total number of members and the party  
13 division, but each party will appoint its own members.

#### 14                               Chapter 4

#### 15                               Legislation

16       **H40-10. Introduction deadlines.** (1) Except as provided  
17 in subsection (2), if a representative accepts drafted  
18 legislation from the Legislative Council after the deadline  
19 for introduction, the representative may not introduce that  
20 legislation after 48 hours from the time the bill was  
21 accepted from the Legislative Council.

22       (2) No bill or resolution may be introduced any later  
23 than 5 p.m. 5 legislative days prior to the appropriate  
24 transmittal deadline.

25       **H40-20. House resolutions.** (1) A House resolution is

1 used to adopt or amend House rules, make recommendations on  
2 the districting and apportionment plan (Montana  
3 Constitution, Art. V, Sec. 14), express the sentiment of the  
4 House, or assist House operations.

5       (2) As to drafting, introduction, and referral, a House  
6 resolution is treated as a bill. Final passage of a House  
7 resolution is determined by the Committee of the Whole  
8 report. A House resolution does not progress to third  
9 reading.

10       (3) The Chief Clerk shall transmit a copy of each  
11 passed House resolution, to the Senate and the Secretary of  
12 State.

13       **H40-30. Cosponsors.** (1) Prior to submitting legislation  
14 to the Chief Clerk for introduction, the chief sponsor may  
15 add representatives and senators as cosponsors by having  
16 them sign the three copies.

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

23       **H40-40. Introduction.** (1) During a session, proposed  
24 House legislation may be introduced in the House by  
25 submitting it in triplicate, endorsed with the signature of

1 a representative as chief sponsor, to the Chief Clerk for  
2 introduction. In each session of the Legislature, the  
3 proposed legislation must be numbered consecutively by type  
4 in the order of receipt. Submission and numbering of  
5 properly endorsed legislation constitutes introduction.

6 (2) Preintroduction of legislation prior to a session  
7 under provisions of the joint rules constitutes introduction  
8 in the House.

9 (3) Acknowledgment by the Chief Clerk of receipt of  
10 legislation transmitted from the Senate for consideration by  
11 the House constitutes introduction of the Senate legislation  
12 in the House.

13 **H40-50. First reading.** Legislation properly introduced  
14 or received in the House must be announced across the  
15 rostrum and public notice provided. This announcement  
16 constitutes first reading, and no debate or motion is in  
17 order except that a representative may question adherence to  
18 rules.

19 **H40-60. One reading per day.** Except on the final  
20 legislative day, legislation may receive no more than one  
21 reading per legislative day. On the final legislative day,  
22 legislation may receive more than one reading.

23 **H40-70. Referral.** (1) The Speaker shall refer to a  
24 House committee all properly introduced House legislation  
25 and transmitted Senate legislation.

1 (2) Legislation may not receive final passage and  
2 approval unless it has been referred to a House committee.

3 **H40-80. Rereferral.** Legislation that is in the  
4 possession of the House and that has not been killed may be  
5 rereferred to a House committee by House motion approved by  
6 not less than three-fifths of the members present and  
7 voting.

8 **H40-90. Legislation withdrawn from committee.** (1)  
9 Legislation ~~not-previously-adopted-on-second-reading-in-the~~  
10 House may be withdrawn from a House committee by House  
11 motion approved by not less than three-fifths of the members  
12 present and voting.

13 ~~(2)--Legislation--previously--adopted--on-second-reading~~  
14 ~~and-rereferred-to-a-House-committee-other-than-the-committee~~  
15 ~~to-which-it-had-originally-been-referred--may--be--withdrawn~~  
16 ~~from--a-House-committee-by-House-motion-approved-by-not-less~~  
17 ~~than-a-majority-of-the-members-present-and-voting.~~

18 **H40-100. Standing committee reports.** (1) A House  
19 standing committee recommendation of "do pass" or "be  
20 concurred in" must be announced across the rostrum and, if  
21 there is no objection to form, is considered adopted.

22 (2) A recommendation of "do not pass" or "be not  
23 concurred in" must be announced across the rostrum and, on  
24 the following legislative day, may be debated and adopted or  
25 rejected on Order of Business No. 2. A motion to reject an

1 adverse committee report on a bill not previously adopted on  
 2 second reading must be approved by not less than  
 3 three-fifths of the members voting. A motion to reject an  
 4 adverse committee report on a bill previously adopted on  
 5 second reading and rereferred to a House committee other  
 6 than the committee to which it had been originally referred  
 7 must be approved by not less than a majority of the members  
 8 present and voting. Failure to adopt a motion to reject an  
 9 adverse committee report constitutes adoption of the report.

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

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

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

25 (2) The legislation must then be sent to be processed

1 and reproduced as a third reading version and specifically  
 2 marked as a "consent calendar" item.

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

11 (4) If any three representatives submit written  
 12 objections to the placement of the legislation on the  
 13 consent calendar, the legislation must be removed from the  
 14 consent calendar and added to the regular second reading  
 15 board.

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

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

22 (7) Legislation passed on the consent calendar must  
 23 then be transmitted to the Senate.

24 H40-120. Legislation requiring other than a majority  
 25 vote. Legislation that requires other than a majority vote

1 for final passage needs only a majority vote for any action  
2 that is taken prior to final passage and that normally  
3 requires a majority vote.

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

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

12 **H40-140. Second reading.** (1) Legislation returned from  
13 committee may be placed on second reading unless otherwise  
14 ordered by the House.

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

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

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

or "be not concurred in", is considered to have passed.

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

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

11 (7) A representative may move to segregate legislation  
12 from the Committee of the Whole report before the report is  
13 adopted. Segregated legislation, as amended by the Committee  
14 of the Whole, must be placed on second reading unless the  
15 House orders otherwise.

16 **H40-150. Amendments in the Committee of the Whole.** (1)  
17 All Committee of the Whole amendments must be checked by the  
18 House amendments coordinator for format, style, clarity,  
19 consistency, and other factors, in accordance with the most  
20 recent Bill Drafting Manual published by the Legislative  
21 Council, before the amendment may be accepted at the  
22 rostrum. The amendment form must include the date and time  
23 the amendment is submitted for that check.

24 (2) An amendment submitted to the rostrum for  
25 consideration by the Committee of the Whole must be marked

1 as checked by the amendments coordinator and signed by a  
2 representative.

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

5 H40-160. Motions in the Committee of the Whole. (1)  
6 When the House resolves itself into a Committee of the  
7 Whole, the only motions in order are to:

- 8 (a) amend;
- 9 (b) recommend passage or nonpassage;
- 10 (c) recommend concurrence or nonconcurrence;
- 11 (d) indefinitely postpone;
- 12 (e) reconsider;
- 13 (f) pass consideration;
- 14 (g) call for cloture;
- 15 (h) rise, rise and report, or rise and report progress  
16 and beg leave to sit again; and
- 17 (i) to change the order in which legislation is placed  
18 on the agenda.

19 (2) Subsections (1)(e) through (1)(h) are nondebatable  
20 but may be amended.

21 (3) If a quorum of representatives is not present  
22 during second reading, the Committee of the Whole may  
23 conduct no business on legislation and a motion for a call  
24 of the House without a quorum is in order.

25 H40-170. Limits on debate in the Committee of the

1 Whole. (1) Except for the representative who makes a motion,  
2 no representative may speak more than once on the motion and  
3 for no more than 5 minutes. The representative who makes  
4 the motion may have 5 minutes to close.

5 (2) After at least two proponents and two opponents  
6 have spoken on a question and 45 minutes have elapsed, a  
7 motion to call for cloture is in order. Approval by not less  
8 than two-thirds of the members present and voting is  
9 required to sustain a motion for cloture. Notwithstanding  
10 the passage of a motion to end debate, the sponsor of the  
11 motion on which debate was ended may close.

12 (3) By previous agreement of the Speaker and the  
13 minority floor leader, a bill or resolution may be allocated  
14 a predetermined amount of time for debate and number of  
15 speakers.

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

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

23 (3) After the presentation by the subcommittee  
24 chairman, the respective section of the bill is open for  
25 debate, questions, and amendments.

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

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

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

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

16 (8) A motion for cloture is not in order during debate  
17 on the general appropriations bill.

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

22 (2) When the legislation has been reported correctly  
23 engrossed, it may be placed on third reading on the  
24 following legislative day. On the final legislative day, the  
25 correctly engrossed legislation may be placed on third

1 reading on the same legislative day.

2 H40-200. Third reading. (1) All bills, joint  
3 resolutions, and Senate amendments to House bills and  
4 resolutions passing second reading must be placed on third  
5 reading.

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

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

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

15 H40-220. Senate amendments to House legislation. (1)  
16 When the Senate has properly returned House legislation with  
17 Senate amendments, the House shall announce the amendments  
18 on Order of Business No. 4, and the Speaker shall place them  
19 on second reading for debate.

20 (2) If the House accepts Senate amendments on  
21 legislation requiring more than a majority vote for final  
22 passage, the House, following approval of the Senate  
23 amendments on third reading, shall place the final form of  
24 the legislation on third reading to determine if the  
25 required vote is obtained.

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

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

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

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

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

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

1 consideration of the House.

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

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

10 (3) The correctly enrolled legislation must be  
11 delivered to the Speaker, who shall sign the legislation not  
12 later than the following legislative day. When enrolled  
13 legislation is delivered on the final legislative day, the  
14 Speaker shall sign it that day.

15 (4) After the legislation has been reported correctly  
16 enrolled but before it is signed, any representative may  
17 examine the legislation.

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

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

24 (3) If both the House and the Senate accept the  
25 Governor's recommended amendments on a bill that requires

1 more than a majority vote for final passage, the House shall  
2 place the final form of the legislation on third reading to  
3 determine if the required vote is obtained.

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

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

#### 10 Chapter 5

#### 11 Floor Actions

12 H50-10. Attendance. (1) A representative, unless  
13 excused, is required to be present at every sitting of the  
14 House.

15 (2) A representative may request in writing to be  
16 excused for a specified cause by his party leader. This  
17 excused absence is not a leave with cause from a call of the  
18 House.

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

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

25 (3) The House may conduct no business without a quorum,

1 except that representatives present may convene, compel the  
2 attendance of absent representatives, or adjourn.

3 H50-30. Call of the House without a quorum. (1) In the  
4 absence of a quorum, a majority of the representatives  
5 present may compel the attendance of absent representatives  
6 through a call of the House without a quorum. The motion for  
7 the call is nondebatable, may not be amended, and is in  
8 order at any time it has been established that a quorum is  
9 not present.

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

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

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

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

25 (3) During a call of the House, all business is



1 suspended. No motion is in order except a motion to adjourn  
2 or to remove the call.

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

7 H50-50. Leave with cause. (1) During a call of the  
8 House, a representative with an overriding medical or  
9 personal reason may request a leave with cause.

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

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

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

18 H50-60. Motions. (1) Any representative may propose a  
19 motion allowed by the rules for the order of business under  
20 which the motion is offered for the consideration of the  
21 House. Unless otherwise specified in rule or law, a majority  
22 of representatives voting is necessary and sufficient to  
23 decide a motion.

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

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

3 H50-70. Limits on debate of debatable motions. (1)  
4 Except for the representative who places a debatable motion  
5 before the body, no representative may speak more than once  
6 on the question unless a unanimous House consents. The  
7 representative who places the motion may close.

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

11 H50-80. Nondebatable motions. (1) A representative has  
12 the right to understand any question before the House and,  
13 usually under the administration of the presiding officer,  
14 may ask questions to exercise this right.

15 (2) The following motions are nondebatable:

- 16 (a) to adjourn;
- 17 (b) for a call of the House;
- 18 (c) to recess or rise;
- 19 (d) for parliamentary inquiry;
- 20 (e) to table or take from the table;
- 21 (f) to call for the previous question or cloture;
- 22 (g) to amend a nondebatable motion;
- 23 (h) to divide a question;
- 24 (i) to postpone consideration to a day certain;
- 25 (j) to suspend the rules; and

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

3 H50-90. Questions. A representative may, through the  
4 presiding officer, ask questions of another representative  
5 during a floor session. There is no limit on questions and  
6 answers, except as provided in H20-40.

7 H50-100. Amending motions -- limitations. (1) A  
8 representative may move to amend the specific provisions of  
9 a motion without changing its substance.

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

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

15 H50-110. Substitute motions. (1) When a question is  
16 before the House, no substitute motion may be made except  
17 the following, which have precedence in the order listed:

- 18 (a) to adjourn;
- 19 (b) for a call of the House;
- 20 (c) to recess or rise;
- 21 (d) for a question of privilege;
- 22 (e) to table;
- 23 (f) to call for the previous question or cloture;
- 24 (g) to postpone consideration to a day certain;
- 25 (h) to refer to a committee;

1 (i) to propose amendments; and

2 (j) to postpone indefinitely.

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

6 (3) No more than one substitute motion is in order at  
7 any one time.

8 H50-120. Withdrawing motions. A representative who  
9 proposes a motion may withdraw it before it is voted on or  
10 amended.

11 H50-130. Dividing a question. A representative may move  
12 to divide a question if it includes two or more propositions  
13 so distinct that they can be separated and if at least one  
14 substantive question remains after one substantive question  
15 is removed.

16 H50-140. Previous question. (1) If a majority of  
17 representatives present and voting adopts a motion for the  
18 previous question, debate is closed on the question and it  
19 must be brought to a vote. The Speaker may not entertain a  
20 motion to end debate unless at least one proponent and one  
21 opponent have spoken on the question.

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

25 H50-150. Questions requiring other than a majority

1 vote. The following questions require the vote specified:

2 (1) a call of the House with a quorum (one-third of the

3 members present and voting);

4 (2) a motion to lift a call of the House (two-thirds of

5 the members present and voting);

6 (3) a motion to amend or suspend rules (two-thirds of

7 the members voting);

8 (4) a motion to record a vote (one representative);

9 (5) a motion to spread a vote on the journal (two

10 representatives);

11 (6) a motion to override the Governor's veto

12 (two-thirds of each house);

13 (7) a motion to approve a bill to appropriate the

14 principal of the coal trust fund (three-fourths of each

15 house);

16 (8) a motion to approve a bill to appropriate highway

17 revenue as described in Article VIII, section 6, of the

18 Montana Constitution for purposes other than therein

19 described (three-fifths of each house);

20 (9) a motion to approve a bill proposing to amend the

21 Montana Constitution (two-thirds of the entire Legislature);

22 (10) an appeal of the ruling of the presiding officer

23 (three representatives);

24 (11) a motion to speak more than once on a debatable

25 motion (unanimous vote);

1 (12) a motion to overturn an adverse committee report

2 (three-fifths of the members voting);

3 (13) a motion to rerefer a bill from one committee to

4 another (three-fifths of the members present and voting);

5 (14) a motion to withdraw a bill from a committee

6 (three-fifths of the members present and voting);

7 (15) a motion to add legislation to the second or third

8 reading agenda (three-fifths of the members present and

9 voting);

10 (16) any motion to remove legislation from its normal

11 progress through the House as provided under these rules and

12 reassign it unless otherwise specifically provided by these

13 rules (three-fifths of the members present and voting);

14 (17) a motion to change a vote (unanimous);

15 (18) a motion to call for cloture (two-thirds of the

16 members present and voting); and

17 (19) a motion to approve leave with cause during a call

18 of the house (two-thirds of the members present and voting).

19 H50-160. Reconsideration. (1) Any representative may,

20 within 1 legislative day of a vote, move to reconsider the

21 House vote on any matter still within the control of the

22 House.

23 (2) A motion for reconsideration, unless tabled or

24 replaced by a substitute motion, must be disposed of when

25 made.

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

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

7 H50-170. Renewing procedural motions. The House may  
8 renew a procedural motion if further House business has  
9 intervened.

10 H50-180. Tabling. (1) Under Order of Business No. 9, a  
11 representative may move to table any question, motion, or  
12 legislation before the House except the question of a quorum  
13 or a call of the House. The motion is nondebatable and may  
14 not be amended.

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

18 H50-190. Indefinite postponement. A majority of  
19 representatives may indefinitely postpone any matter  
20 properly before the House.

21 H50-200. Voting. (1) The representatives shall vote to  
22 decide any motion or question properly before the House.  
23 Each representative has one vote.

24 (2) The House may, without objection, use a voice vote  
25 on procedural motions that are not required to be recorded

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

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

7 H50-210. Changing a vote. (1) A representative may move  
8 to change his vote within 1 legislative day of the vote. The  
9 motion is nondebatable. A unanimous House shall consent to  
10 the change. The representative making the motion shall first  
11 specify the question and the original vote tally.

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

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

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

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

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

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

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

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

12       **H50-250. Adjournment sine die.** A representative may  
13 move that the House adjourn for the session. The motion is  
14 nondebatable and may be made under any order of business  
15 except Order of Business No. 7.

#### Chapter 6

#### Rules

16       **H60-10. House rules.** (1) The House may adopt, through a  
17 House resolution passed by a majority of its members, rules  
18 to govern its proceedings.

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

22       (3) The Speaker shall refer to the House Rules  
23 Committee all resolutions for House rules.  
24  
25

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

4       **H60-20. Tenure of rules.** Rules adopted by the House  
5 remain in effect until removed by House resolution or until  
6 a new House is elected and takes office.

7       **H60-30. Suspension of rules.** The House may suspend a  
8 House rule on a motion approved by not less than two-thirds  
9 of the members voting.

10       **H60-40. Supplementary rules.** Mason's Manual of  
11 Legislative Procedure (1989) governs House proceedings in  
12 all cases not covered by House rules.

13       **H60-50. Interpreting rules.** The Speaker shall interpret  
14 all questions on House rules, subject to appeal by any  
15 fifteen representatives to the House Rules Committee. The  
16 decision of the House Rules Committee may be appealed to the  
17 House by any representative.

18       **H60-60. Joint rules superseded.** A House rule, insofar  
19 as it relates to the internal proceedings of the House,  
20 supersedes a joint rule.

-End-

HOUSE RESOLUTION NO. 1

INTRODUCED BY DRISCOLL

BY REQUEST OF THE HOUSE RULES COMMITTEE

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT RULES TO GOVERN ITS PROCEEDINGS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following rules be adopted:

Chapter 1

Administration

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

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

H10-20. Speaker's duties. (1) The Speaker is the presiding officer of the House, with authority for administration, order, and decorum.

(2) The Speaker may order the galleries or lobbies

cleared in case of disturbance or disorderly conduct.

(3) The Speaker shall appoint and may remove the members of all standing and select committees not otherwise specified by law or rule.

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

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

(6) The Speaker is the chief administrative officer of the House, with authority for supervising all House employees. The Speaker may seek the advice and counsel of the Legislative Administration Committee regarding employees.

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

H10-40. Speaker pro tempore duties. The Speaker pro tempore shall act as the presiding officer in the absence of the Speaker and shall carry out other duties assigned by the Speaker.

**H10-50. Legislative Administration Committee duties.**

(1) The Legislative Administration Committee shall consider matters relating to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

(2) The committee shall have authority to act in the interim to prepare for future legislative sessions. It may delegate specific duties to a legislative agency.

(3) The committee shall approve contracts for purchase or lease of equipment and supplies for the House, subject to the approval of the Speaker.

(4) The committee shall comprise the House membership of the Joint Legislative Administration Committee.

**H10-60. Employees.** (1) The Speaker shall appoint a Chief Clerk, Sergeant-at-Arms, and Chaplain, subject to confirmation of the House (section 5-2-221, MCA).

(2) The Speaker shall recommend to the Legislative Administration Committee employment of necessary staff.

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

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

**H10-70. Chief Clerk's duties.** The Chief Clerk, under the supervision of the Speaker, is responsible to:

(1) have custody of all records and documents of the

House;

(2) supervise the handling of legislation in the House, the House journal, and other House publications; deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and all original House bills and joint resolutions; collect minutes and exhibits from all House committees and subcommittees and deliver them, unbound, to the Legislative Council librarian who will arrange to have them copied on microfilm. A microfilm copy will be provided to the Legislative Council and the Montana State Law Library. The Legislative Fiscal Analyst will receive a microfilm copy of the minutes from the appropriation committee and subcommittees. After microfilming, the original minutes will be delivered to the Montana Historical Society.

**H10-80. Sergeant-at-Arms duties.** The Sergeant-at-Arms, under the supervision of the Speaker, has the responsibility to:

(1) maintain order under the direction of the presiding officer;

(2) execute commands and serve all processes of the House; and

(3) receive, distribute, and have custody of House supplies and equipment.

**H10-90. Legislative aides.** (1) A legislative aide is a

1 person specifically designated by a representative to assist  
2 that representative in performing legislative duties. A  
3 representative may sponsor one legislative aide a session by  
4 written notification to the Sergeant-at-Arms.

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

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

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

13 H10-100. Legislative interns. A legislative intern is a  
14 person designated under Title 5, chapter 6, MCA.

15 H10-110. House journal. (1) The House shall keep a  
16 journal, which is the official record of House actions  
17 (Montana Constitution, Art. V, Sec. 10). The journal must be  
18 prepared under the direction of the Speaker.

19 (2) Records of the following proceedings must be  
20 entered on the journal:

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

24 (b) committee reports;

25 (c) messages from the Governor;

1 (d) messages from the Senate;

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

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

5 (g) consideration of legislation subsequent to  
6 introduction;

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

10 (i) roll call votes; and

11 (j) upon a request by two representatives before a vote  
12 is taken, the names of the representatives and their votes  
13 on the question.

14 (3) The Chief Clerk shall provide to the Legislative  
15 Council such information as may be required for the  
16 publication of the daily journal. Upon approval by the  
17 Speaker, the daily journal shall be reproduced and  
18 distributed.

19 (4) Any representative may examine the daily journal  
20 and propose corrections. The speaker may direct a correction  
21 to be made when suggested subject to objection by the House.

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

24 (6) The Legislative Council shall publish and  
25 distribute the House journal (sections 5-11-202 and



1 5-11-203, MCA). The title of each bill must be listed in the  
2 index of the published session journal.

3 H10-120. Votes recorded and public. Every vote of each  
4 representative on each substantive question in the House, in  
5 any committee, or in committee of the whole must be recorded  
6 and made public (Montana Constitution, Art. V, Sec. 11).

7 H10-130. Duration of legislative day. A legislative day  
8 ends either 24 hours after the House convenes for that day  
9 or at the time the House convenes for the following  
10 legislative day, whichever is earlier.

## 11 Chapter 2

### 12 Decorum

13 H20-10. Questions of order and privilege. (1) Questions  
14 of order and privilege, in order of precedence, are:

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

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

19 (2) The Speaker shall decide all questions of order and  
20 privilege, subject to an appeal by any representative  
21 seconded by two representatives.

22 H20-20. Limits on lobbying. Lobbying on the House floor  
23 and in the anteroom is prohibited during a daily session, 2  
24 hours before the session, and 2 hours after the session.

25 H20-30. Admittance to the House floor. The following

1 persons may be admitted to the House floor during a daily  
2 session: present and former legislators; legislative  
3 employees necessary for the conduct of the session;  
4 accredited news staff; and members' spouses and children.  
5 The Speaker may allow exceptions to this rule.

6 H20-40. Dilatory motions or questions. The House has a  
7 right to protect itself from dilatory motions or questions  
8 used for the purpose of delaying or obstructing business.  
9 The presiding officer shall decide if motions (except a  
10 call of the House) or questions are dilatory. This decision  
11 may be appealed to the House.

12 H20-50. Opening and order of business. The opening of  
13 each legislative day must include an invocation, the pledge  
14 of allegiance, and roll call. Following the opening, the  
15 order of business of the House is as follows:

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

1 (11) special orders of the day; and

2 (12) announcement of committee meetings.

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

7 (2) The Speaker or the Legislative Administration  
8 Committee may discipline or discharge any House employee  
9 violating this prohibition. The Speaker or the committee may  
10 withdraw the privileges of any House aide or intern  
11 violating this prohibition.

12 **H20-70. Papers distributed on desks.** A paper concerning  
13 proposed legislation may not be placed on representatives'  
14 desks unless it is signed and permission has been granted by  
15 the Speaker. The Sergeant-at-Arms shall direct its  
16 distribution.

17 **Chapter 3**

18 **Committees**

19 **H30-10. House standing committees.** The following are  
20 the House standing committees: Agriculture, Livestock, and  
21 Irrigation; Appropriations; Business and Economic  
22 Development; Education and Cultural Resources; Fish and  
23 Game; Highways and Transportation; Human Services and Aging;  
24 Judiciary; Labor and Employment Relations; Legislative  
25 Administration; Local Government; Natural Resources; Rules;

1 State Administration; and Taxation.

2 **H30-20. Chairman's duties.** The chairman of a committee  
3 is the presiding officer of that committee and is  
4 responsible for maintaining order within the committee room  
5 and its environs, scheduling hearings and executive action,  
6 supervising committee work, and certifying committee reports  
7 and minutes.

8 **H30-30. Officers as members.** The Speaker, majority  
9 leader, and minority leader are ex officio, nonvoting  
10 members of all House Committees. They are not required to be  
11 considered in the quorum, but they may count toward  
12 establishing a quorum.

13 **H30-40. Committee action.** (1) When legislation is  
14 referred to a committee, it may recommend approval or  
15 disapproval, with or without amendment.

16 (2) The committee may recommend that a bill on which it  
17 has made a favorable recommendation by unanimous vote be  
18 placed on the consent calendar.

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

21 (4) If a bill is withdrawn from a committee and brought  
22 to the House floor without a committee recommendation, the  
23 bill must include amendments formally adopted by committee  
24 action as reflected in committee minutes for debate on  
25 second reading.

1       **H30-50. Reconsideration in committee.** A committee,  
2 including the Committee of the Whole, may at any time prior  
3 to submitting a report to the Chief Clerk reconsider its  
4 previous action on legislation.

5       **H30-60. Legislation requested by a committee.** At least  
6 two-thirds of all the representatives of a standing  
7 committee must have voted in favor of the question to allow  
8 the committee to request the drafting or introduction of  
9 legislation. Votes requesting drafting and introduction of  
10 committee legislation may be taken jointly or separately.

11       **H30-70. Rules committee makeup.** The Speaker will  
12 determine the total number of members and the party  
13 division, but each party will appoint its own members.

#### 14                               Chapter 4

#### 15                               Legislation

16       **H40-10. Introduction deadlines.** (1) Except as provided  
17 in subsection (2), if a representative accepts drafted  
18 legislation from the Legislative Council after the deadline  
19 for introduction, the representative may not introduce that  
20 legislation after 48 hours from the time the bill was  
21 accepted from the Legislative Council.

22       (2) No bill or resolution may be introduced any later  
23 than 5 p.m. 5 legislative days prior to the appropriate  
24 transmittal deadline.

25       **H40-20. House resolutions.** (1) A House resolution is

1 used to adopt or amend House rules, make recommendations on  
2 the districting and apportionment plan (Montana  
3 Constitution, Art. V, Sec. 14), express the sentiment of the  
4 House, or assist House operations.

5       (2) As to drafting, introduction, and referral, a House  
6 resolution is treated as a bill. Final passage of a House  
7 resolution is determined by the Committee of the Whole  
8 report. A House resolution does not progress to third  
9 reading.

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

13       **H40-30. Cosponsors.** (1) Prior to submitting legislation  
14 to the Chief Clerk for introduction, the chief sponsor may  
15 add representatives and senators as cosponsors by having  
16 them sign the three copies.

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

23       **H40-40. Introduction.** (1) During a session, proposed  
24 House legislation may be introduced in the House by  
25 submitting it in triplicate, endorsed with the signature of

1 a representative as chief sponsor, to the Chief Clerk for  
 2 introduction. In each session of the Legislature, the  
 3 proposed legislation must be numbered consecutively by type  
 4 in the order of receipt. Submission and numbering of  
 5 properly endorsed legislation constitutes introduction.

6 (2) Preintroduction of legislation prior to a session  
 7 under provisions of the joint rules constitutes introduction  
 8 in the House.

9 (3) Acknowledgment by the Chief Clerk of receipt of  
 10 legislation transmitted from the Senate for consideration by  
 11 the House constitutes introduction of the Senate legislation  
 12 in the House.

13 **H40-50. First reading.** Legislation properly introduced  
 14 or received in the House must be announced across the  
 15 rostrum and public notice provided. This announcement  
 16 constitutes first reading, and no debate or motion is in  
 17 order except that a representative may question adherence to  
 18 rules.

19 **H40-60. One reading per day.** Except on the final  
 20 legislative day, legislation may receive no more than one  
 21 reading per legislative day. On the final legislative day,  
 22 legislation may receive more than one reading.

23 **H40-70. Referral.** (1) The Speaker shall refer to a  
 24 House committee all properly introduced House legislation  
 25 and transmitted Senate legislation.

1 (2) Legislation may not receive final passage and  
 2 approval unless it has been referred to a House committee.

3 **H40-80. Rereferral.** Legislation that is in the  
 4 possession of the House and that has not been killed may be  
 5 rereferred to a House committee by House motion approved by  
 6 not less than three-fifths of the members present and  
 7 voting.

8 **H40-90. Legislation withdrawn from committee.** ~~{+}~~  
 9 Legislation ~~not-previously-adopted-on-second-reading-in-the~~  
 10 House may be withdrawn from a House committee by House  
 11 motion approved by not less than three-fifths of the members  
 12 present and voting.

13 ~~{+}~~--Legislation--previously--adopted--on-second-reading  
 14 and-rereferred-to-a-House-committee-other-than-the-committee  
 15 to-which-it-had-originally-been-referred--may--be--withdrawn  
 16 from--a-House-committee-by-House-motion-approved-by-not-less  
 17 than-a-majority-of-the-members-present-and-voting.

18 **H40-100. Standing committee reports.** (1) A House  
 19 standing committee recommendation of "do pass" or "be  
 20 concurred in" must be announced across the rostrum and, if  
 21 there is no objection to form, is considered adopted.

22 (2) A recommendation of "do not pass" or "be not  
 23 concurred in" must be announced across the rostrum and, on  
 24 the following legislative day, may be debated and adopted or  
 25 rejected on Order of Business No. 2. A motion to reject an

1 adverse committee report on a bill not previously adopted on  
 2 second reading must be approved by not less than  
 3 three-fifths of the members voting. A motion to reject an  
 4 adverse committee report on a bill previously adopted on  
 5 second reading and rereferred to a House committee other  
 6 than the committee to which it had been originally referred  
 7 must be approved by not less than a majority of the members  
 8 present and voting. Failure to adopt a motion to reject an  
 9 adverse committee report constitutes adoption of the report.

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

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

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

25 (2) The legislation must then be sent to be processed

1 and reproduced as a third reading version and specifically  
 2 marked as a "consent calendar" item.

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

11 (4) If any three representatives submit written  
 12 objections to the placement of the legislation on the  
 13 consent calendar, the legislation must be removed from the  
 14 consent calendar and added to the regular second reading  
 15 board.

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

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

22 (7) Legislation passed on the consent calendar must  
 23 then be transmitted to the Senate.

24 H40-120. Legislation requiring other than a majority  
 25 vote. Legislation that requires other than a majority vote

1 for final passage needs only a majority vote for any action  
2 that is taken prior to final passage and that normally  
3 requires a majority vote.

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

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

12 **H40-140. Second reading.** (1) Legislation returned from  
13 committee may be placed on second reading unless otherwise  
14 ordered by the House.

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

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

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

1 or "be not concurred in", is considered to have passed.

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

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

11 (7) A representative may move to segregate legislation  
12 from the Committee of the Whole report before the report is  
13 adopted. Segregated legislation, as amended by the Committee  
14 of the Whole, must be placed on second reading unless the  
15 House orders otherwise.

16 **H40-150. Amendments in the Committee of the Whole.** (1)  
17 All Committee of the Whole amendments must be checked by the  
18 House amendments coordinator for format, style, clarity,  
19 consistency, and other factors, in accordance with the most  
20 recent Bill Drafting Manual published by the Legislative  
21 Council, before the amendment may be accepted at the  
22 rostrum. The amendment form must include the date and time  
23 the amendment is submitted for that check.

24 (2) An amendment submitted to the rostrum for  
25 consideration by the Committee of the Whole must be marked

1 as checked by the amendments coordinator and signed by a  
2 representative.

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

5 **H40-160. Motions in the Committee of the Whole.** (1)  
6 When the House resolves itself into a Committee of the  
7 Whole, the only motions in order are to:

- 8 (a) amend;
- 9 (b) recommend passage or nonpassage;
- 10 (c) recommend concurrence or nonconcurrence;
- 11 (d) indefinitely postpone;
- 12 (e) reconsider;
- 13 (f) pass consideration;
- 14 (g) call for cloture;
- 15 (h) rise, rise and report, or rise and report progress  
16 and beg leave to sit again; and
- 17 (i) to change the order in which legislation is placed  
18 on the agenda.

19 (2) Subsections (1)(e) through (1)(h) are nondebatable  
20 but may be amended.

21 (3) If a quorum of representatives is not present  
22 during second reading, the Committee of the Whole may  
23 conduct no business on legislation and a motion for a call  
24 of the House without a quorum is in order.

25 **H40-170. Limits on debate in the Committee of the**

1 **Whole.** (1) Except for the representative who makes a motion,  
2 no representative may speak more than once on the motion and  
3 for no more than 5 minutes. The representative who makes  
4 the motion may have 5 minutes to close.

5 (2) After at least two proponents and two opponents  
6 have spoken on a question and 45 minutes have elapsed, a  
7 motion to call for cloture is in order. Approval by not less  
8 than two-thirds of the members present and voting is  
9 required to sustain a motion for cloture. Notwithstanding  
10 the passage of a motion to end debate, the sponsor of the  
11 motion on which debate was ended may close.

12 (3) By previous agreement of the Speaker and the  
13 minority floor leader, a bill or resolution may be allocated  
14 a predetermined amount of time for debate and number of  
15 speakers.

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

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

23 (3) After the presentation by the subcommittee  
24 chairman, the respective section of the bill is open for  
25 debate, questions, and amendments.

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

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

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

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

16 (8) A motion for cloture is not in order during debate  
17 on the general appropriations bill.

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

22 (2) When the legislation has been reported correctly  
23 engrossed, it may be placed on third reading on the  
24 following legislative day. On the final legislative day, the  
25 correctly engrossed legislation may be placed on third

1 reading on the same legislative day.

2 **H40-200. Third reading.** (1) All bills, joint  
3 resolutions, and Senate amendments to House bills and  
4 resolutions passing second reading must be placed on third  
5 reading.

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

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

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

15 **H40-220. Senate amendments to House legislation.** (1)  
16 When the Senate has properly returned House legislation with  
17 Senate amendments, the House shall announce the amendments  
18 on Order of Business No. 4, and the Speaker shall place them  
19 on second reading for debate.

20 (2) If the House accepts Senate amendments on  
21 legislation requiring more than a majority vote for final  
22 passage, the House, following approval of the Senate  
23 amendments on third reading, shall place the final form of  
24 the legislation on third reading to determine if the  
25 required vote is obtained.



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

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

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

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

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

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

1 consideration of the House.

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

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

10 (3) The correctly enrolled legislation must be  
11 delivered to the Speaker, who shall sign the legislation not  
12 later than the following legislative day. When enrolled  
13 legislation is delivered on the final legislative day, the  
14 Speaker shall sign it that day.

15 (4) After the legislation has been reported correctly  
16 enrolled but before it is signed, any representative may  
17 examine the legislation.

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

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

24 (3) If both the House and the Senate accept the  
25 Governor's recommended amendments on a bill that requires

1 more than a majority vote for final passage, the House shall  
2 place the final form of the legislation on third reading to  
3 determine if the required vote is obtained.

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

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

#### 10 Chapter 5

#### 11 Floor Actions

12 **H50-10. Attendance.** (1) A representative, unless  
13 excused, is required to be present at every sitting of the  
14 House.

15 (2) A representative may request in writing to be  
16 excused for a specified cause by his party leader. This  
17 excused absence is not a leave with cause from a call of the  
18 House.

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

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

25 (3) The House may conduct no business without a quorum,

1 except that representatives present may convene, compel the  
2 attendance of absent representatives, or adjourn.

3 **H50-30. Call of the House without a quorum.** (1) In the  
4 absence of a quorum, a majority of the representatives  
5 present may compel the attendance of absent representatives  
6 through a call of the House without a quorum. The motion for  
7 the call is nondebatable, may not be amended, and is in  
8 order at any time it has been established that a quorum is  
9 not present.

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

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

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

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

25 (3) During a call of the House, all business is

1 suspended. No motion is in order except a motion to adjourn  
2 or to remove the call.

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

7 H50-50. Leave with cause. (1) During a call of the  
8 House, a representative with an overriding medical or  
9 personal reason may request a leave with cause.

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

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

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

18 H50-60. Motions. (1) Any representative may propose a  
19 motion allowed by the rules for the order of business under  
20 which the motion is offered for the consideration of the  
21 House. Unless otherwise specified in rule or law, a majority  
22 of representatives voting is necessary and sufficient to  
23 decide a motion.

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

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

3 H50-70. Limits on debate of debatable motions. (1)  
4 Except for the representative who places a debatable motion  
5 before the body, no representative may speak more than once  
6 on the question unless a unanimous House consents. The  
7 representative who places the motion may close.

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

11 H50-80. Nondebatable motions. (1) A representative has  
12 the right to understand any question before the House and,  
13 usually under the administration of the presiding officer,  
14 may ask questions to exercise this right.

15 (2) The following motions are nondebatable:

- 16 (a) to adjourn;
- 17 (b) for a call of the House;
- 18 (c) to recess or rise;
- 19 (d) for parliamentary inquiry;
- 20 (e) to table or take from the table;
- 21 (f) to call for the previous question or cloture;
- 22 (g) to amend a nondebatable motion;
- 23 (h) to divide a question;
- 24 (i) to postpone consideration to a day certain;
- 25 (j) to suspend the rules; and

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

3 H50-90. Questions. A representative may, through the  
4 presiding officer, ask questions of another representative  
5 during a floor session. There is no limit on questions and  
6 answers, except as provided in H20-40.

7 H50-100. Amending motions -- limitations. (1) A  
8 representative may move to amend the specific provisions of  
9 a motion without changing its substance.

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

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

15 H50-110. Substitute motions. (1) When a question is  
16 before the House, no substitute motion may be made except  
17 the following, which have precedence in the order listed:

- 18 (a) to adjourn;  
19 (b) for a call of the House;  
20 (c) to recess or rise;  
21 (d) for a question of privilege;  
22 (e) to table;  
23 (f) to call for the previous question or cloture;  
24 (g) to postpone consideration to a day certain;  
25 (h) to refer to a committee;

1 (i) to propose amendments; and

2 (j) to postpone indefinitely.

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

6 (3) No more than one substitute motion is in order at  
7 any one time.

8 H50-120. Withdrawing motions. A representative who  
9 proposes a motion may withdraw it before it is voted on or  
10 amended.

11 H50-130. Dividing a question. A representative may move  
12 to divide a question if it includes two or more propositions  
13 so distinct that they can be separated and if at least one  
14 substantive question remains after one substantive question  
15 is removed.

16 H50-140. Previous question. (1) If a majority of  
17 representatives present and voting adopts a motion for the  
18 previous question, debate is closed on the question and it  
19 must be brought to a vote. The Speaker may not entertain a  
20 motion to end debate unless at least one proponent and one  
21 opponent have spoken on the question.

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

25 H50-150. Questions requiring other than a majority

1 vote. The following questions require the vote specified:

2 (1) a call of the House with a quorum (one-third of the  
3 members present and voting);

4 (2) a motion to lift a call of the House (two-thirds of  
5 the members present and voting);

6 (3) a motion to amend or suspend rules (two-thirds of  
7 the members voting);

8 (4) a motion to record a vote (one representative);

9 (5) a motion to spread a vote on the journal (two  
10 representatives);

11 (6) a motion to override the Governor's veto  
12 (two-thirds of each house);

13 (7) a motion to approve a bill to appropriate the  
14 principal of the coal trust fund (three-fourths of each  
15 house);

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

20 (9) a motion to approve a bill proposing to amend the  
21 Montana Constitution (two-thirds of the entire Legislature);

22 (10) A MOTION TO APPROVE A BILL TO AUTHORIZE CREATION OF  
23 STATE DEBT (TWO-THIRDS OF EACH HOUSE);

24 {10}{11} an appeal of the ruling of the presiding  
25 officer (three representatives);

1 {11}{12} a motion to speak more than once on a debatable  
2 motion (unanimous vote);

3 {12}{13} a motion to overturn an adverse committee  
4 report (three-fifths of the members voting);

5 {13}{14} a motion to rerefer a bill from one committee  
6 to another (three-fifths of the members present and voting);

7 {14}{15} a motion to withdraw a bill from a committee  
8 (three-fifths of the members present and voting);

9 {15}{16} a motion to add legislation to the second or  
10 third reading agenda (three-fifths of the members present  
11 and voting);

12 {16}{17} any motion to remove legislation from its  
13 normal progress through the House as provided under these  
14 rules and reassign it unless otherwise specifically provided  
15 by these rules (three-fifths of the members present and  
16 voting);

17 {17}{18} a motion to change a vote (unanimous);

18 {18}{19} a motion to call for cloture (two-thirds of the  
19 members present and voting); and

20 {19}{20} a motion to approve leave with cause during a  
21 call of the house (two-thirds of the members present and  
22 voting).

23 H50-160. Reconsideration. (1) Any representative may,  
24 within 1 legislative day of a vote, move to reconsider the  
25 House vote on any matter still within the control of the

1 House.

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

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

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

11 **H50-170. Renewing procedural motions.** The House may  
12 renew a procedural motion if further House business has  
13 intervened.

14 **H50-180. Tabling.** (1) Under Order of Business No. 9, a  
15 representative may move to table any question, motion, or  
16 legislation before the House except the question of a quorum  
17 or a call of the House. The motion is nondebatable and may  
18 not be amended.

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

22 **H50-190. Indefinite postponement.** A majority of  
23 representatives may indefinitely postpone any matter  
24 properly before the House.

25 **H50-200. Voting.** (1) The representatives shall vote to

1 decide any motion or question properly before the House.

2 Each representative has one vote.

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

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

11 **H50-210. Changing a vote.** (1) A representative may move  
12 to change his vote within 1 legislative day of the vote. The  
13 motion is nondebatable. A unanimous House shall consent to  
14 the change. The representative making the motion shall first  
15 specify the question and the original vote tally.

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

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

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

25 (3) The absentee vote authorization form must be handed

1 in at the rostrum by the party whip or designated  
2 representative before voting on the motion has commenced.

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

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

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

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

16 H50-250. Adjournment sine die. A representative may  
17 move that the House adjourn for the session. The motion is  
18 nondebatable and may be made under any order of business  
19 except Order of Business No. 7.

#### 20 Chapter 6

#### 21 Rules

22 H60-10. House rules. (1) The House may adopt, through a  
23 House resolution passed by a majority of its members, rules  
24 to govern its proceedings.

25 (2) After adoption of the House rules, two-thirds of

1 the representatives voting must vote in favor of the  
2 question to amend the rules.

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

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

8 H60-20. Tenure of rules. Rules adopted by the House  
9 remain in effect until removed by House resolution or until  
10 a new House is elected and takes office.

11 H60-30. Suspension of rules. The House may suspend a  
12 House rule on a motion approved by not less than two-thirds  
13 of the members voting.

14 H60-40. Supplementary rules. Mason's Manual of  
15 Legislative Procedure (1989) governs House proceedings in  
16 all cases not covered by House rules.

17 H60-50. Interpreting rules. The Speaker shall interpret  
18 all questions on House rules, subject to appeal by any  
19 fifteen representatives to the House Rules Committee. The  
20 decision of the House Rules Committee may be appealed to the  
21 House by any representative.

22 H60-60. Joint rules superseded. A House rule, insofar  
23 as it relates to the internal proceedings of the House,  
24 supersedes a joint rule.

-End-