

HOUSE RESOLUTION 1

Introduced by Grinde, et al.

1/14	Introduced
1/14	Referred to Rules
1/14	First Reading
1/15	Committee Report--Bill Passed
1/16	2nd Reading Passed
1/19	Signed by Speaker
1/19	Filed with Secretary of State

HOUSE RESOLUTION NO. 1

INTRODUCED BY GRINDE, SCHYE, D. BROWN  
BY REQUEST OF THE HOUSE RULES COMMITTEE

IN THE HOUSE

JANUARY 14, 1993

INTRODUCED AND REFERRED TO COMMITTEE  
ON RULES.

FIRST READING.

JANUARY 15, 1993

COMMITTEE RECOMMEND RESOLUTION  
BE ADOPTED. REPORT ADOPTED.

JANUARY 16, 1993

SECOND READING, RESOLUTION ADOPTED.  
AYES, 97; NOES, 1.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1  
2 House RESOLUTION NO. 1  
3 INTRODUCED BY Greene Selby Jane Brown  
4 BY REQUEST OF THE HOUSE RULES COMMITTEE

5  
6 A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
7 MONTANA ADOPTING RULES TO GOVERN THE PROCEEDINGS OF THE HOUSE.

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

11 That the following rules be adopted:

12 **RULES OF THE MONTANA**

13 **HOUSE OF REPRESENTATIVES**

14 **CHAPTER 1**

15 **Administration**

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

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

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

1           (2) The Speaker may order the galleries or lobbies cleared in  
2 case of disturbance or disorderly conduct.

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

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

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

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

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

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

24           **H10-50. Legislative Administration Committee duties.** (1) The  
25 Legislative Administration Committee shall consider matters  
26 relating to legislative administration, staffing patterns, budgets,

1 equipment, operations, and expenditures.

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

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

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

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

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

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

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

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

22 (1) have custody of all records and documents of the House;

23 (2) supervise the handling of legislation in the House, the  
24 House journal, and other House publications; deliver to the  
25 Secretary of State at the close of each session the House journal,  
26 bill and resolution records, and all original House bills and joint

1 resolutions; collect minutes and exhibits from all House committees  
2 and subcommittees and deliver them, unbound, to the Legislative  
3 Council librarian who will arrange to have them copied on  
4 microform. A microform copy will be provided to the Legislative  
5 Council and the State Law Library of Montana. The Legislative  
6 Fiscal Analyst will receive a microform copy of the minutes from  
7 the appropriation committee and subcommittees. After microforming,  
8 the original minutes will be delivered to the Montana Historical  
9 Society.

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

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

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

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

18 **H10-90. Legislative aides.** (1) A legislative aide is a person  
19 specifically designated by a representative to assist that  
20 representative in performing legislative duties. A representative  
21 may sponsor one legislative aide a session by written notification  
22 to the Sergeant-at-Arms.

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

26 (3) A legislative aide must be of legal age unless otherwise

1 approved by the House Rules Committee.

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

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

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

11 (2) Records of the following proceedings must be entered on  
12 the journal:

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

15 (b) committee reports;

16 (c) messages from the Governor;

17 (d) messages from the Senate;

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

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

21 (g) consideration of legislation subsequent to introduction;

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

25 (i) roll call votes; and

26 (j) upon a request by two representatives before a vote is

1 taken, the names of the representatives and their votes on the  
2 question.

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

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

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

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

16 **H10-120. Votes recorded and public.** Every vote of each  
17 representative on each substantive question in the House, in any  
18 committee, or in committee of the whole must be recorded and made  
19 public (Montana Constitution, Art. V, Sec. 11).

20 **H10-130. Duration of legislative day.** A legislative day ends  
21 either 24 hours after the House convenes for that day or at the  
22 time the House convenes for the following legislative day,  
23 whichever is earlier.

24 CHAPTER 2

25 Decorum

26 **H20-10. Questions of order and privilege.** (1) Questions of



1 order and privilege, in order of precedence, are:

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

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

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

9 **H20-20. Limits on lobbying.** Lobbying on the House floor and in  
10 the anteroom is prohibited during a daily session, 2 hours before  
11 the session, and 2 hours after the session.

12 **H20-30. Admittance to the House floor.** The following persons  
13 may be admitted to the House floor during a daily session: present  
14 and former legislators; legislative employees necessary for the  
15 conduct of the session; accredited news staff; and members' spouses  
16 and children. The Speaker may allow exceptions to this rule.

17 **H20-40. Dilatory motions or questions.** The House has a right  
18 to protect itself from dilatory motions or questions used for the  
19 purpose of delaying or obstructing business. The presiding officer  
20 shall decide if motions (except a call of the House) or questions  
21 are dilatory. This decision may be appealed to the House.

22 **H20-50. Opening and order of business.** The opening of each  
23 legislative day must include an invocation, the pledge of  
24 allegiance, and roll call. Following the opening, the order of  
25 business of the House is as follows:

26 (1) communications and petitions;

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

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

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

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

### CHAPTER 3

#### Committees

**H30-10. House standing committees.** The following are the House

1 standing committees: Agriculture, Livestock, and Irrigation;  
2 Appropriations; Business and Economic Development; Education and  
3 Cultural Resources; Fish and Game; Highways and Transportation;  
4 Human Services and Aging; Judiciary; Labor and Employment  
5 Relations; Legislative Administration; Local Government; Natural  
6 Resources; Rules; State Administration; and Taxation.

7 **H30-20. Chair's duties.** The chair of a committee is the  
8 presiding officer of that committee and is responsible for  
9 maintaining order within the committee room and its environs,  
10 scheduling hearings and executive action, supervising committee  
11 work, and certifying committee reports and minutes.

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

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

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

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

24 (4) If a bill is withdrawn from a committee and brought to  
25 the House floor without a committee recommendation, the bill must  
26 include amendments formally adopted by committee action as

1 reflected in committee minutes for debate on second reading.

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

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

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

15 CHAPTER 4

16 Legislation

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

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

26 **H40-20. House resolutions.** (1) A House resolution is used to

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

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

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

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

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

19 **H40-40. Introduction -- receipt.** (1) During a session,  
20 proposed House legislation may be introduced in the House by  
21 submitting it in duplicate, endorsed with the signature of a  
22 representative as chief sponsor, to the Chief Clerk for  
23 introduction. In each session of the Legislature, the proposed  
24 legislation must be numbered consecutively by type in the order of  
25 receipt. Submission and numbering of properly endorsed legislation  
26 constitutes introduction.

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

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

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

16           **H40-50. First reading.** Legislation properly introduced or  
17 received in the House must be announced across the rostrum and  
18 public notice provided. This announcement constitutes first  
19 reading, and no debate or motion is in order except that a  
20 representative may question adherence to rules. Acknowledgment by  
21 the Chief Clerk of receipt of legislation transmitted from the  
22 Senate commences the time limit for consideration of the  
23 legislation. Senate legislation received by the House may be  
24 referred to a committee prior to being read across the rostrum.

25           **H40-60. One reading per day.** Except on the final legislative  
26 day, legislation may receive no more than one reading per

1 legislative day. On the final legislative day, legislation may  
2 receive more than one reading.

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

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

8 **H40-80. Rereferral.** (1) Except as provided in subsection (2),  
9 legislation that is in the possession of the House and that has not  
10 been finally disposed of may be rereferred to a House committee by  
11 House motion approved by not less than three-fifths of the members  
12 present and voting.

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

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

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

24 (2) A recommendation of "do not pass" or "be not concurred  
25 in" must be announced across the rostrum and, on the following  
26 legislative day, may be debated and adopted or rejected on Order of

1 Business No. 2. A motion to reject an adverse committee report must  
2 be approved by not less than three-fifths of the members voting.  
3 Failure to adopt a motion to reject an adverse committee report  
4 constitutes adoption of the report.

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

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

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

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

22 (2) Other legislation may be placed on the consent calendar  
23 by agreement between the speaker and the minority leader following  
24 a positive recommendation by a standing committee. The legislation  
25 must be sent to be processed as a second reading version but must  
26 be specifically announced and posted as a "consent calendar" item.



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

8           (4) If any three representatives submit written objections to  
9 the placement of legislation on the consent calendar by the action  
10 of a standing committee or if any one representative submits a  
11 written objection to the placement of legislation on the consent  
12 calendar by the speaker and minority leader, the legislation must  
13 be removed from the consent calendar and added to the regular  
14 second reading board.

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

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

21           (7) Legislation passed on the consent calendar must then be  
22 transmitted to the Senate. Legislation must be appropriately  
23 printed prior to transmittal.

24           **H40-120. Legislation requiring other than a majority vote.**  
25 Legislation that requires other than a majority vote for final  
26 passage needs only a majority vote for any action that is taken

1 prior to third reading and that normally requires a majority vote.

2 **H40-130. Amending House second and third reading agendas. (1)**

3 A majority of representatives present may rearrange or remove  
4 legislation from either the second or third reading agenda on that  
5 legislative day.

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

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

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

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

20 (4) If a motion to recommend that a bill "do pass" or "be  
21 concurred in" fails in the Committee of the Whole, the obverse,  
22 i.e., a recommendation that the bill "do not pass" or "be not  
23 concurred in", is considered to have passed.

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

26 (6) When the Committee of the Whole reports to the House, the

1 House shall adopt or reject the Committee of the Whole report. If  
2 the House rejects the Committee of the Whole report, the  
3 legislation remains on second reading, as amended by the Committee  
4 of the Whole, unless the House orders otherwise.

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

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

16 (2) An amendment submitted to the rostrum for consideration  
17 by the Committee of the Whole must be marked as checked by the  
18 amendments coordinator and signed by a representative.

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

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

- 24 (a) amend;  
25 (b) recommend passage or nonpassage;  
26 (c) recommend concurrence or nonconcurrence;

1           (d) indefinitely postpone;  
2           (e) reconsider;  
3           (f) pass consideration;  
4           (g) call for cloture;  
5           (h) rise, rise and report, or rise and report progress and  
6 beg leave to sit again; and  
7           (i) to change the order in which legislation is placed on the  
8 agenda.

9           (2) Subsections (1)(e) through (1)(h) are nondebatable but  
10 may be amended.

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

15           **H40-170. Limits on debate in the Committee of the Whole. (1)**  
16 Except for the representative who makes a motion, no representative  
17 may speak more than once on the motion and for no more than 5  
18 minutes. The representative who makes the motion may have 5  
19 minutes to close.

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

26           (3) By previous agreement of the Speaker and the minority

1 floor leader, a bill or resolution may be allocated a predetermined  
2 amount of time for debate and number of speakers.

3 **H40-180. Special provisions for debate on the general**  
4 **appropriations bill.** (1) The Appropriations Committee chair, in  
5 presenting the bill, is not subject to the 5-minute speaking  
6 limitation.

7 (2) Each appropriations subcommittee chair shall fully  
8 present their portion of the bill. A subcommittee chair is not  
9 subject to the 5-minute speaking limitation.

10 (3) After the presentation by the subcommittee chair, the  
11 respective section of the bill is open for debate, questions, and  
12 amendments.

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

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

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

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

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

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

5           (2) When the legislation has been reported correctly  
6 engrossed, it may be placed on third reading on the following  
7 legislative day. On the final legislative day, the correctly  
8 engrossed legislation may be placed on third reading on the same  
9 legislative day.

10           **H40-200. Third reading.** (1) All bills, joint resolutions, and  
11 Senate amendments to House bills and resolutions passing second  
12 reading must be placed on third reading.

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

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

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

21           **H40-220. Senate amendments to House legislation.** (1) When the  
22 Senate has properly returned House legislation with Senate  
23 amendments, the House shall announce the amendments on Order of  
24 Business No. 4, and the Speaker shall place them on second reading  
25 for debate. The second reading vote is limited to consideration of  
26 the Senate amendments.

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

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

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

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

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

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

25           (5) A House conference committee may confer regarding matters  
26 assigned to it with any Senate conference committee with like

1 jurisdiction and submit recommendations for consideration of the  
2 House.

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

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

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

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

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

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

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



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

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

## 7 CHAPTER 5

8 Floor Actions

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

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

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

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

19           (3) The House may conduct no business without a quorum,  
20       except that representatives present may convene, compel the  
21       attendance of absent representatives, or adjourn.

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

1 established that a quorum is not present.

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

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

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

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

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

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

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

26 (2) If the representative is present at the time of the call,

1 the Speaker may approve a request for a leave with cause.

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

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

7 **H50-60. Motions.** (1) Any representative may propose a motion  
8 allowed by the rules for the order of business under which the  
9 motion is offered for the consideration of the House. Unless  
10 otherwise specified in rule or law, a majority of representatives  
11 voting is necessary and sufficient to decide a motion.

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

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

15 **H50-70. Limits on debate of debatable motions.** (1) Except for  
16 the representative who places a debatable motion before the body,  
17 no representative may speak more than once on the question unless  
18 a unanimous House consents. The representative who places the  
19 motion may close.

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

23 **H50-80. Nondebatable motions.** (1) A representative has the  
24 right to understand any question before the House and, usually  
25 under the administration of the presiding officer, may ask  
26 questions to exercise this right.

- 1           (2) The following motions are nondebatable:
- 2           (a) to adjourn;
- 3           (b) for a call of the House;
- 4           (c) to recess or rise;
- 5           (d) for parliamentary inquiry;
- 6           (e) to table or take from the table;
- 7           (f) to call for the previous question or cloture;
- 8           (g) to amend a nondebatable motion;
- 9           (h) to divide a question;
- 10          (i) to postpone consideration to a day certain;
- 11          (j) to suspend the rules; and
- 12          (k) all incidental motions, such as motions relating to
- 13 voting or of a general procedural nature.

14           **H50-90. Questions.** A representative may, through the presiding

15 officer, ask questions of another representative during a floor

16 session. There is no limit on questions and answers, except as

17 provided in H20-40.

18           **H50-100. Amending motions -- limitations.** (1) A representative

19 may move to amend the specific provisions of a motion without

20 changing its substance.

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

22 any one time.

23           (3) A motion for a call of the House, for the previous

24 question, to table, or to take from the table may not be amended.

25           **H50-110. Substitute motions.** (1) When a question is before the

26 House, no substitute motion may be made except the following, which

1 have precedence in the order listed:

2 (a) to adjourn;

3 (b) for a call of the House;

4 (c) to recess or rise;

5 (d) for a question of privilege;

6 (e) to table;

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

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

9 (h) to refer to a committee;

10 (i) to propose amendments; and

11 (j) to postpone indefinitely.

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

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

16 **H50-120. Withdrawing motions.** A representative who proposes a  
17 motion may withdraw it before it is voted on or amended.

18 **H50-130. Dividing a question.** A representative may move to  
19 divide a question if it includes two or more propositions so  
20 distinct that they can be separated and if at least one substantive  
21 question remains after one substantive question is removed.

22 **H50-140. Previous question.** (1) If a majority of  
23 representatives present and voting adopts a motion for the previous  
24 question, debate is closed on the question and it must be brought  
25 to a vote. The Speaker may not entertain a motion to end debate  
26 unless at least one proponent and one opponent have spoken on the

1 question.

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

4 **H50-150. Questions requiring other than a majority vote.** The  
5 following questions require the vote specified:

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

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

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

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

13 (5) a motion to spread a vote on the journal (two  
14 representatives);

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

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

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

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

25 (10) a motion to approve a bill to authorize creation of state  
26 debt (two-thirds of each house);

1           (11) an appeal of the ruling of the presiding officer (three  
2 representatives);

3           (12) a motion to speak more than once on a debatable motion  
4 (unanimous vote);

5           (13) a motion to overturn an adverse committee report  
6 (three-fifths of the members voting);

7           (14) a motion to rerefer a bill from one committee to another  
8 pursuant to Rule 40-80(1) (three-fifths of the members present and  
9 voting);

10          (15) a motion to withdraw a bill from a committee  
11 (three-fifths of the members present and voting);

12          (16) a motion to add legislation to the second or third  
13 reading agenda (three-fifths of the members present and voting);

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

18          (18) a motion to change a vote (two-thirds of the members  
19 present and voting);

20          (19) a motion to call for cloture (two-thirds of the members  
21 present and voting); and

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

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

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

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

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

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

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

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

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

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

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



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

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

6 **H50-210. Changing a vote.** (1) A representative may move to  
7 change the representative's vote within 1 legislative day of the  
8 vote. The motion is nondebatable. Two-thirds of the members  
9 present and voting shall consent to the change. The representative  
10 making the motion shall first specify the question and the original  
11 vote tally. A vote may not be changed if it would affect the  
12 outcome of legislation.

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

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

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

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

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

25 **H50-230. Recess.** The House may stand at ease or, by majority  
26 vote, may recess under any order of business. The recess may be

1 ended at the call of the chair or at a time specified.

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

6 (2) A motion to adjourn for a legislative day must specify a  
7 date and time for the House to convene on the subsequent  
8 legislative day.

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

## 13 CHAPTER 6

### 14 Rules

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

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

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

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

25 **H60-20. Tenure of rules.** Rules adopted by the House remain in  
26 effect until removed by House resolution or until a new House is

1     elected and takes office.

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

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

8           **H60-50. Interpreting rules.** The Speaker shall interpret all  
9     questions on House rules, subject to appeal by any fifteen  
10    representatives to the House Rules Committee. The decision of the  
11    House Rules Committee may be appealed to the House by any  
12    representative.

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

16                                   -END-

APPROVED BY COMMITTEE  
ON RULESHouseRESOLUTION NO. 1INTRODUCED BY CrivoreSelbyJames Brann

BY REQUEST OF THE HOUSE RULES COMMITTEE

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

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

That the following rules be adopted:

**RULES OF THE MONTANA****HOUSE OF REPRESENTATIVES****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.

1           (2) The Speaker may order the galleries or lobbies cleared in  
2 case of disturbance or disorderly conduct.

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

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

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

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

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

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

24           **H10-50. Legislative Administration Committee duties.** (1) The  
25 Legislative Administration Committee shall consider matters  
26 relating to legislative administration, staffing patterns, budgets,

1 equipment, operations, and expenditures.

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

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

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

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

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

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

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

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

22 (1) have custody of all records and documents of the House;

23 (2) supervise the handling of legislation in the House, the  
24 House journal, and other House publications; deliver to the  
25 Secretary of State at the close of each session the House journal,  
26 bill and resolution records, and all original House bills and joint

1 resolutions; collect minutes and exhibits from all House committees  
2 and subcommittees and deliver them, unbound, to the Legislative  
3 Council librarian who will arrange to have them copied on  
4 microform. A microform copy will be provided to the Legislative  
5 Council and the State Law Library of Montana. The Legislative  
6 Fiscal Analyst will receive a microform copy of the minutes from  
7 the appropriation committee and subcommittees. After microforming,  
8 the original minutes will be delivered to the Montana Historical  
9 Society.

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

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

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

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

18 **H10-90. Legislative aides.** (1) A legislative aide is a person  
19 specifically designated by a representative to assist that  
20 representative in performing legislative duties. A representative  
21 may sponsor one legislative aide a session by written notification  
22 to the Sergeant-at-Arms.

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

26 (3) A legislative aide must be of legal age unless otherwise

1 approved by the House Rules Committee.

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

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

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

11 (2) Records of the following proceedings must be entered on  
12 the journal:

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

15 (b) committee reports;

16 (c) messages from the Governor;

17 (d) messages from the Senate;

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

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

21 (g) consideration of legislation subsequent to introduction;

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

25 (i) roll call votes; and

26 (j) upon a request by two representatives before a vote is



1 taken, the names of the representatives and their votes on the  
2 question.

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

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

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

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

16 **H10-120. Votes recorded and public.** Every vote of each  
17 representative on each substantive question in the House, in any  
18 committee, or in committee of the whole must be recorded and made  
19 public (Montana Constitution, Art. V, Sec. 11).

20 **H10-130. Duration of legislative day.** A legislative day ends  
21 either 24 hours after the House convenes for that day or at the  
22 time the House convenes for the following legislative day,  
23 whichever is earlier.

24 CHAPTER 2

25 Decorum

26 **H20-10. Questions of order and privilege.** (1) Questions of

1 order and privilege, in order of precedence, are:

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

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

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

9 **H20-20. Limits on lobbying.** Lobbying on the House floor and in  
10 the anteroom is prohibited during a daily session, 2 hours before  
11 the session, and 2 hours after the session.

12 **H20-30. Admittance to the House floor.** The following persons  
13 may be admitted to the House floor during a daily session: present  
14 and former legislators; legislative employees necessary for the  
15 conduct of the session; accredited news staff; and members' spouses  
16 and children. The Speaker may allow exceptions to this rule.

17 **H20-40. Dilatory motions or questions.** The House has a right  
18 to protect itself from dilatory motions or questions used for the  
19 purpose of delaying or obstructing business. The presiding officer  
20 shall decide if motions (except a call of the House) or questions  
21 are dilatory. This decision may be appealed to the House.

22 **H20-50. Opening and order of business.** The opening of each  
23 legislative day must include an invocation, the pledge of  
24 allegiance, and roll call. Following the opening, the order of  
25 business of the House is as follows:

26 (1) communications and petitions;

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

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

16 (2) The Speaker or the Legislative Administration Committee  
17 may discipline or discharge any House employee violating this  
18 prohibition. The Speaker or the committee may withdraw the  
19 privileges of any House aide or intern violating this prohibition.

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

24 CHAPTER 3

25 Committees

26 **H30-10. House standing committees.** The following are the House

1 standing committees: Agriculture, Livestock, and Irrigation;  
2 Appropriations; Business and Economic Development; Education and  
3 Cultural Resources; Fish and Game; Highways and Transportation;  
4 Human Services and Aging; Judiciary; Labor and Employment  
5 Relations; Legislative Administration; Local Government; Natural  
6 Resources; Rules; State Administration; and Taxation.

7 **H30-20. Chair's duties.** The chair of a committee is the  
8 presiding officer of that committee and is responsible for  
9 maintaining order within the committee room and its environs,  
10 scheduling hearings and executive action, supervising committee  
11 work, and certifying committee reports and minutes.

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

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

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

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

24 (4) If a bill is withdrawn from a committee and brought to  
25 the House floor without a committee recommendation, the bill must  
26 include amendments formally adopted by committee action as

1 reflected in committee minutes for debate on second reading.

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

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

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

15 CHAPTER 4

16 Legislation

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

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

26 **H40-20. House resolutions.** (1) A House resolution is used to

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

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

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

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

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

19 **H40-40. Introduction -- receipt.** (1) During a session,  
20 proposed House legislation may be introduced in the House by  
21 submitting it in duplicate, endorsed with the signature of a  
22 representative as chief sponsor, to the Chief Clerk for  
23 introduction. In each session of the Legislature, the proposed  
24 legislation must be numbered consecutively by type in the order of  
25 receipt. Submission and numbering of properly endorsed legislation  
26 constitutes introduction.

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

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

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

16           **H40-50. First reading.** Legislation properly introduced or  
17 received in the House must be announced across the rostrum and  
18 public notice provided. This announcement constitutes first  
19 reading, and no debate or motion is in order except that a  
20 representative may question adherence to rules. Acknowledgment by  
21 the Chief Clerk of receipt of legislation transmitted from the  
22 Senate commences the time limit for consideration of the  
23 legislation. Senate legislation received by the House may be  
24 referred to a committee prior to being read across the rostrum.

25           **H40-60. One reading per day.** Except on the final legislative  
26 day, legislation may receive no more than one reading per

1 legislative day. On the final legislative day, legislation may  
2 receive more than one reading.

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

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

8 **H40-80. Rereferral.** (1) Except as provided in subsection (2),  
9 legislation that is in the possession of the House and that has not  
10 been finally disposed of may be rereferred to a House committee by  
11 House motion approved by not less than three-fifths of the members  
12 present and voting.

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

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

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

24 (2) A recommendation of "do not pass" or "be not concurred  
25 in" must be announced across the rostrum and, on the following  
26 legislative day, may be debated and adopted or rejected on Order of



1 Business No. 2. A motion to reject an adverse committee report must  
2 be approved by not less than three-fifths of the members voting.  
3 Failure to adopt a motion to reject an adverse committee report  
4 constitutes adoption of the report.

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

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

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

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

22 (2) Other legislation may be placed on the consent calendar  
23 by agreement between the speaker and the minority leader following  
24 a positive recommendation by a standing committee. The legislation  
25 must be sent to be processed as a second reading version but must  
26 be specifically announced and posted as a "consent calendar" item.

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

8           (4) If any three representatives submit written objections to  
9 the placement of legislation on the consent calendar by the action  
10 of a standing committee or if any one representative submits a  
11 written objection to the placement of legislation on the consent  
12 calendar by the speaker and minority leader, the legislation must  
13 be removed from the consent calendar and added to the regular  
14 second reading board.

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

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

21           (7) Legislation passed on the consent calendar must then be  
22 transmitted to the Senate. Legislation must be appropriately  
23 printed prior to transmittal.

24           **H40-120. Legislation requiring other than a majority vote.**  
25 Legislation that requires other than a majority vote for final  
26 passage needs only a majority vote for any action that is taken

1 prior to third reading and that normally requires a majority vote.

2 **H40-130. Amending House second and third reading agendas.** (1)

3 A majority of representatives present may rearrange or remove  
4 legislation from either the second or third reading agenda on that  
5 legislative day.

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

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

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

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

20 (4) If a motion to recommend that a bill "do pass" or "be  
21 concurred in" fails in the Committee of the Whole, the obverse,  
22 i.e., a recommendation that the bill "do not pass" or "be not  
23 concurred in", is considered to have passed.

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

26 (6) When the Committee of the Whole reports to the House, the

1 House shall adopt or reject the Committee of the Whole report. If  
2 the House rejects the Committee of the Whole report, the  
3 legislation remains on second reading, as amended by the Committee  
4 of the Whole, unless the House orders otherwise.

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

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

16 (2) An amendment submitted to the rostrum for consideration  
17 by the Committee of the Whole must be marked as checked by the  
18 amendments coordinator and signed by a representative.

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

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

24 (a) amend;

25 (b) recommend passage or nonpassage;

26 (c) recommend concurrence or nonconcurrence;

1 (d) indefinitely postpone;

2 (e) reconsider;

3 (f) pass consideration;

4 (g) call for cloture;

5 (h) rise, rise and report, or rise and report progress and  
6 beg leave to sit again; and

7 (i) to change the order in which legislation is placed on the  
8 agenda.

9 (2) Subsections (1)(e) through (1)(h) are nondebatable but  
10 may be amended.

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

15 **H40-170. Limits on debate in the Committee of the Whole. (1)**  
16 Except for the representative who makes a motion, no representative  
17 may speak more than once on the motion and for no more than 5  
18 minutes. The representative who makes the motion may have 5  
19 minutes to close.

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

26 (3) By previous agreement of the Speaker and the minority

1 floor leader, a bill or resolution may be allocated a predetermined  
2 amount of time for debate and number of speakers.

3 **H40-180. Special provisions for debate on the general**  
4 **appropriations bill.** (1) The Appropriations Committee chair, in  
5 presenting the bill, is not subject to the 5-minute speaking  
6 limitation.

7 (2) Each appropriations subcommittee chair shall fully  
8 present their portion of the bill. A subcommittee chair is not  
9 subject to the 5-minute speaking limitation.

10 (3) After the presentation by the subcommittee chair, the  
11 respective section of the bill is open for debate, questions, and  
12 amendments.

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

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

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

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

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

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

5       (2) When the legislation has been reported correctly  
6 engrossed, it may be placed on third reading on the following  
7 legislative day. On the final legislative day, the correctly  
8 engrossed legislation may be placed on third reading on the same  
9 legislative day.

10       **H40-200. Third reading.** (1) All bills, joint resolutions, and  
11 Senate amendments to House bills and resolutions passing second  
12 reading must be placed on third reading.

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

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

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

21       **H40-220. Senate amendments to House legislation.** (1) When the  
22 Senate has properly returned House legislation with Senate  
23 amendments, the House shall announce the amendments on Order of  
24 Business No. 4, and the Speaker shall place them on second reading  
25 for debate. The second reading vote is limited to consideration of  
26 the Senate amendments.

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

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

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

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

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

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

25           (5) A House conference committee may confer regarding matters  
26 assigned to it with any Senate conference committee with like



1 jurisdiction and submit recommendations for consideration of the  
2 House.

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

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

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

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

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

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

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

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

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

## CHAPTER 5

## Floor Actions

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

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

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

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

(3) The House may conduct no business without a quorum, except that representatives present may convene, compel the attendance of absent representatives, or adjourn.

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

1 established that a quorum is not present.

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

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

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

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

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

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

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

26 (2) If the representative is present at the time of the call,

1 the Speaker may approve a request for a leave with cause.

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

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

7 **H50-60. Motions.** (1) Any representative may propose a motion  
8 allowed by the rules for the order of business under which the  
9 motion is offered for the consideration of the House. Unless  
10 otherwise specified in rule or law, a majority of representatives  
11 voting is necessary and sufficient to decide a motion.

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

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

15 **H50-70. Limits on debate of debatable motions.** (1) Except for  
16 the representative who places a debatable motion before the body,  
17 no representative may speak more than once on the question unless  
18 a unanimous House consents. The representative who places the  
19 motion may close.

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

23 **H50-80. Nondebatable motions.** (1) A representative has the  
24 right to understand any question before the House and, usually  
25 under the administration of the presiding officer, may ask  
26 questions to exercise this right.

1           (2) The following motions are nondebatable:

2           (a) to adjourn;

3           (b) for a call of the House;

4           (c) to recess or rise;

5           (d) for parliamentary inquiry;

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

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

8           (g) to amend a nondebatable motion;

9           (h) to divide a question;

10          (i) to postpone consideration to a day certain;

11          (j) to suspend the rules; and

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

14          **H50-90. Questions.** A representative may, through the presiding  
15 officer, ask questions of another representative during a floor  
16 session. There is no limit on questions and answers, except as  
17 provided in H20-40.

18          **H50-100. Amending motions -- limitations.** (1) A representative  
19 may move to amend the specific provisions of a motion without  
20 changing its substance.

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

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

25          **H50-110. Substitute motions.** (1) When a question is before the  
26 House, no substitute motion may be made except the following, which

1 have precedence in the order listed:

2 (a) to adjourn;

3 (b) for a call of the House;

4 (c) to recess or rise;

5 (d) for a question of privilege;

6 (e) to table;

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

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

9 (h) to refer to a committee;

10 (i) to propose amendments; and

11 (j) to postpone indefinitely.

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

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

16 **H50-120. Withdrawing motions.** A representative who proposes a  
17 motion may withdraw it before it is voted on or amended.

18 **H50-130. Dividing a question.** A representative may move to  
19 divide a question if it includes two or more propositions so  
20 distinct that they can be separated and if at least one substantive  
21 question remains after one substantive question is removed.

22 **H50-140. Previous question.** (1) If a majority of  
23 representatives present and voting adopts a motion for the previous  
24 question, debate is closed on the question and it must be brought  
25 to a vote. The Speaker may not entertain a motion to end debate  
26 unless at least one proponent and one opponent have spoken on the

1 question.

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

4 **H50-150. Questions requiring other than a majority vote.** The  
5 following questions require the vote specified:

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

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

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

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

13 (5) a motion to spread a vote on the journal (two  
14 representatives);

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

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

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

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

25 (10) a motion to approve a bill to authorize creation of state  
26 debt (two-thirds of each house);

1           (11) an appeal of the ruling of the presiding officer (three  
2 representatives);

3           (12) a motion to speak more than once on a debatable motion  
4 (unanimous vote);

5           (13) a motion to overturn an adverse committee report  
6 (three-fifths of the members voting);

7           (14) a motion to rerefer a bill from one committee to another  
8 pursuant to Rule 40-80(1) (three-fifths of the members present and  
9 voting);

10           (15) a motion to withdraw a bill from a committee  
11 (three-fifths of the members present and voting);

12           (16) a motion to add legislation to the second or third  
13 reading agenda (three-fifths of the members present and voting);

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

18           (18) a motion to change a vote (two-thirds of the members  
19 present and voting);

20           (19) a motion to call for cloture (two-thirds of the members  
21 present and voting); and

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

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



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

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

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

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

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

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

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

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

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

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

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

6 **H50-210. Changing a vote.** (1) A representative may move to  
7 change the representative's vote within 1 legislative day of the  
8 vote. The motion is nondebatable. Two-thirds of the members  
9 present and voting shall consent to the change. The representative  
10 making the motion shall first specify the question and the original  
11 vote tally. A vote may not be changed if it would affect the  
12 outcome of legislation.

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

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

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

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

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

25 **H50-230. Recess.** The House may stand at ease or, by majority  
26 vote, may recess under any order of business. The recess may be

ended at the call of the chair or at a time specified.

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

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

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

## CHAPTER 6

### Rules

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

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

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

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

**H60-20. Tenure of rules.** Rules adopted by the House remain in effect until removed by House resolution or until a new House is

1     elected and takes office.

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

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

8           **H60-50. Interpreting rules.** The Speaker shall interpret all  
9     questions on House rules, subject to appeal by any fifteen  
10    representatives to the House Rules Committee. The decision of the  
11    House Rules Committee may be appealed to the House by any  
12    representative.

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

16                           -END-