

1 _____ HOUSE RESOLUTION NO. 1

2 INTRODUCED BY CRAND

3 BY REQUEST OF THE HOUSE RULES COMMITTEE

4
5 A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING RULES
6 TO GOVERN THE PROCEEDINGS OF THE HOUSE.

7
8 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF
9 MONTANA:

10 That the following rules be adopted:

11 **RULES OF THE MONTANA**
12 **HOUSE OF REPRESENTATIVES**

13 **CHAPTER 1**

14 **Administration**

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

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

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

22 (2) The Speaker may order the galleries or lobbies cleared in case of disturbance or disorderly
23 conduct. The Speaker may take action to protect the safety, dignity, and integrity of the House. Action
24 may include the regulation of private individuals and lobbyists whose conduct threatens the administration,
25 order, or decorum of the body. The authority of the Speaker extends to all House activities.

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

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

30 (5) The Speaker shall arrange the agendas for second and third readings each legislative day.

1 Representatives may amend the agendas as provided in H40-130. The agenda for second reading must
2 contain the committee vote of the committee reporting the bill.

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

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

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

11 **H10-50. Legislative Administration Committee duties.** (1) The Legislative Administration Committee
12 shall consider matters relating to legislative administration, staffing patterns, budgets, equipment,
13 operations, and expenditures.

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

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

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

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

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

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

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

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

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

30 (2) supervise the handling of legislation in the House, the House journal, and other House

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

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

- 10 (1) maintain order under the direction of the presiding officer;
- 11 (2) execute commands and serve all processes of the House; and
- 12 (3) receive, distribute, and have custody of House supplies and equipment.

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

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

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

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

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

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

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

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

30 (b) committee reports;

- 1 (c) messages from the Governor;
- 2 (d) messages from the Senate;
- 3 (e) every motion, the name of the representative presenting it, and its disposition;
- 4 (f) the introduction of legislation in the House;
- 5 (g) consideration of legislation subsequent to introduction;
- 6 (h) on final passage of legislation, the names of the representatives and their vote on the question
- 7 (Montana Constitution, Art. V, Sec. 11);
- 8 (i) roll call votes; and
- 9 (j) upon a request by two representatives before a vote is taken, the names of the representatives
- 10 and their votes on the question.

11 (3) The Chief Clerk shall provide to the Legislative Council such information as may be required for

12 the publication of the daily journal. Upon approval by the Speaker, the daily journal shall be reproduced and

13 distributed.

14 (4) Any representative may examine the daily journal and propose corrections. The speaker may

15 direct a correction to be made when suggested subject to objection by the House.

16 (5) The Speaker shall authenticate the House journal after the close of the session (section

17 5-11-201, MCA).

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

19 5-11-203, MCA). The title of each bill must be listed in the index of the published session journal.

20 **H10-120. Votes recorded and public.** Every vote of each representative on each substantive

21 question in the House, in any committee, or in committee of the whole must be recorded and made public

22 (Montana Constitution, Art. V, Sec. 11).

23 **H10-130. Duration of legislative day.** A legislative day ends either 24 hours after the House

24 convenes for that day or at the time the House convenes for the following legislative day, whichever is

25 earlier.

26 CHAPTER 2

27 Decorum

28 **H20-10. Questions of order and privilege.** (1) Questions of order and privilege, in order of

29 precedence, are:

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

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

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

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

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

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

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

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

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

1 restricted.

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

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

8 CHAPTER 3

9 Committees

10 **H30-10. House standing committees.** The following are the House standing committees: Agriculture,
11 Livestock, and Irrigation; Appropriations; Business and ~~Economic Development~~ Labor; Education and
12 Cultural Resources; Ethics; Fish and Game; Highways and Transportation; Human Services and Aging;
13 Judiciary; ~~Labor and Employment Relations~~; Legislative Administration; Local Government; Natural
14 Resources; Rules; State Administration; State/Federal Relations; and Taxation.

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

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

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

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

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

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

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

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

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

7 CHAPTER 4

8 Legislation

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

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

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

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

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

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

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

28 **H40-40. Introduction -- receipt.** (1) During a session, proposed House legislation may be introduced
29 in the House by submitting it in duplicate, endorsed with the signature of a representative as chief sponsor,
30 to the Chief Clerk for introduction. In each session of the Legislature, the proposed legislation must be

1 numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed
2 legislation constitutes introduction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 allowed.

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

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

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

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

12 **H40-120. Legislation requiring other than a majority vote.** Legislation that requires other than a
13 majority vote for final passage needs only a majority vote for any action that is taken prior to third reading
14 and that normally requires a majority vote.

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

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

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

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

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

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

30 (5) An amendment attached to legislation by the Committee of the Whole remains unless removed

1 by further legislative action.

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

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

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

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

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

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

20 (a) amend;

21 (b) recommend passage or nonpassage;

22 (c) recommend concurrence or nonconcurrence;

23 (d) indefinitely postpone;

24 (e) reconsider;

25 (f) pass consideration;

26 (g) call for cloture;

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

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

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

30 (3) If a quorum of representatives is not present during second reading, the Committee of the

1 Whole may conduct no business on legislation and a motion for a call of the House without a quorum is
2 in order.

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

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

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

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

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

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

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

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

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

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

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

29 **H40-190. Engrossing.** (1) After legislation is passed on second reading, it must be engrossed within
30 48 hours under the direction of the Speaker. The Speaker may grant additional time for engrossing.

1 (2) When the legislation has been reported correctly engrossed, it may be placed on third reading
2 on the following legislative day. On the final legislative day, the correctly engrossed legislation may be
3 placed on third reading on the same legislative day.

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

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

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

9 **H40-210. Senate legislation in the House.** Senate legislation properly transmitted to the House must
10 be treated as House legislation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 CHAPTER 5

24 Floor Actions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **H50-60. Motions.** (1) Any representative may propose a motion allowed by the rules for the order

1 of business under which the motion is offered for the consideration of the House. Unless otherwise
2 specified in rule or law, a majority of representatives voting is necessary and sufficient to decide a motion.

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

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

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

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

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

14 (2) The following motions are nondebatable:

15 (a) to adjourn;

16 (b) for a call of the House;

17 (c) to recess or rise;

18 (d) for parliamentary inquiry;

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

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

21 (g) to amend a nondebatable motion;

22 (h) to divide a question;

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

24 (j) to suspend the rules; and

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

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

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

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

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

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

6 (a) to adjourn;

7 (b) for a call of the House;

8 (c) to recess or rise;

9 (d) for a question of privilege;

10 (e) to table;

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

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

13 (h) to refer to a committee;

14 (i) to propose amendments; and

15 (j) to postpone indefinitely.

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

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

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

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

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

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

30 **H50-150. Questions requiring other than a majority vote.** The following questions require the vote

1 specified:

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

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

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

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

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

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

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

10 (8) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section
11 6, of the Montana Constitution for purposes other than therein described (three-fifths of each house);

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

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

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

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

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

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

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

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

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

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

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

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

30 **H50-160. Reconsideration.** (1) Any representative may, within 1 legislative day of a vote, move to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (2) An excused representative shall sign an absentee vote authorization form that specifies the

1 motion and the desired vote.

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

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

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

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

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

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

16 CHAPTER 6

17 Rules

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

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

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

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

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

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

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

1 HOUSE RESOLUTION NO. 1

2 INTRODUCED BY GRINDE

3 BY REQUEST OF THE HOUSE RULES COMMITTEE

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

10 That the following rules be adopted:

11 **RULES OF THE MONTANA**
12 **HOUSE OF REPRESENTATIVES**

13 CHAPTER 1

14 Administration

15 **H10-10. House officers.** (1) House officers include a Speaker, a Speaker pro tempore, majority and
16 minority floor leaders, and majority and minority whips (section 5-2-221, MCA).17 (2) A majority of representatives voting elects the Speaker and Speaker pro tempore from the
18 House membership. A majority of each caucus voting nominates House members to the remaining offices,
19 and those nominees are considered to have been elected by a majority vote of the House.20 **H10-20. Speaker's duties.** (1) The Speaker is the presiding officer of the House, with authority for
21 administration, order, and decorum.22 (2) The Speaker may order the galleries or lobbies cleared in case of disturbance or disorderly
23 conduct. The Speaker may take action to protect the safety, dignity, and integrity of the House. Action
24 may include the regulation of private individuals and lobbyists whose conduct threatens the administration,
25 order, or decorum of the body. The authority of the Speaker extends to all House activities.26 (3) The Speaker shall appoint and may remove the members of all standing and select committees
27 not otherwise specified by law or rule.28 (4) The Speaker shall sign all necessary certifications by the House, including enrolled bills and
29 resolutions, journals (section 5-11-201, MCA), subpoenas, and payrolls.

30 (5) The Speaker shall arrange the agendas for second and third readings each legislative day.

1 Representatives may amend the agendas as provided in H40-130. The agenda for second reading must
2 contain the committee vote of the committee reporting the bill.

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

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

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

11 **H10-50. Legislative Administration Committee duties.** (1) The Legislative Administration Committee
12 shall consider matters relating to legislative administration, staffing patterns, budgets, equipment,
13 operations, and expenditures.

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

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

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

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

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

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

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

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

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

30 (2) supervise the handling of legislation in the House, the House journal, and other House

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

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

- 10 (1) maintain order under the direction of the presiding officer;
11 (2) execute commands and serve all processes of the House; and
12 (3) receive, distribute, and have custody of House supplies and equipment.

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

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

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

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

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

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

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

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

30 (b) committee reports;

- 1 (c) messages from the Governor;
2 (d) messages from the Senate;
3 (e) every motion, the name of the representative presenting it, and its disposition;
4 (f) the introduction of legislation in the House;
5 (g) consideration of legislation subsequent to introduction;
6 (h) on final passage of legislation, the names of the representatives and their vote on the question
7 (Montana Constitution, Art. V, Sec. 11);
8 (i) roll call votes; and
9 (j) upon a request by two representatives before a vote is taken, the names of the representatives
10 and their votes on the question.

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

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

16 (5) The Speaker shall authenticate the House journal after the close of the session (section
17 5-11-201, MCA).

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

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

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

26 CHAPTER 2

27 Decorum

28 **H20-10. Questions of order and privilege.** (1) Questions of order and privilege, in order of
29 precedence, are:

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

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

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

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

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

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

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

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

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

1 restricted.

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

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

8 CHAPTER 3

9 Committees

10 **H30-10. House standing committees.** The following are the House standing committees: Agriculture,
11 Livestock, and Irrigation; Appropriations; ~~Business and Economic Development~~ Labor; Education and
12 Cultural Resources; Ethics; Fish and Game; Highways and Transportation; Human Services and Aging;
13 Judiciary; ~~Labor and Employment Relations~~; Legislative Administration; Local Government; Natural
14 Resources; Rules; State Administration; State/Federal Relations; and Taxation.

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

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

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

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

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

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

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

1 numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed
2 legislation constitutes introduction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 allowed.

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

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

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

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

12 **H40-120. Legislation requiring other than a majority vote.** Legislation that requires other than a
13 majority vote for final passage needs only a majority vote for any action that is taken prior to third reading
14 and that normally requires a majority vote.

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

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

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

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

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

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

30 (5) An amendment attached to legislation by the Committee of the Whole remains unless removed

1 by further legislative action.

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

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

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

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

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

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

20 (a) amend;

21 (b) recommend passage or nonpassage;

22 (c) recommend concurrence or nonconcurrence;

23 (d) indefinitely postpone;

24 (e) reconsider;

25 (f) pass consideration;

26 (g) call for cloture;

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

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

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

30 (3) If a quorum of representatives is not present during second reading, the Committee of the

1 Whole may conduct no business on legislation and a motion for a call of the House without a quorum is
2 in order.

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

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

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

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

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

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

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

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

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

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

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

29 **H40-190. Engrossing.** (1) After legislation is passed on second reading, it must be engrossed within
30 48 hours under the direction of the Speaker. The Speaker may grant additional time for engrossing.

1 (2) When the legislation has been reported correctly engrossed, it may be placed on third reading
2 on the following legislative day. On the final legislative day, the correctly engrossed legislation may be
3 placed on third reading on the same legislative day.

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

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

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

9 **H40-210. Senate legislation in the House.** Senate legislation properly transmitted to the House must
10 be treated as House legislation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 CHAPTER 5

24 Floor Actions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **H50-60. Motions.** (1) Any representative may propose a motion allowed by the rules for the order

1 of business under which the motion is offered for the consideration of the House. Unless otherwise
2 specified in rule or law, a majority of representatives voting is necessary and sufficient to decide a motion.

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

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

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

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

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

14 (2) The following motions are nondebatable:

15 (a) to adjourn;

16 (b) for a call of the House;

17 (c) to recess or rise;

18 (d) for parliamentary inquiry;

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

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

21 (g) to amend a nondebatable motion;

22 (h) to divide a question;

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

24 (j) to suspend the rules; and

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

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

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

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

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

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

6 (a) to adjourn;

7 (b) for a call of the House;

8 (c) to recess or rise;

9 (d) for a question of privilege;

10 (e) to table;

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

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

13 (h) to refer to a committee;

14 (i) to propose amendments; and

15 (j) to postpone indefinitely.

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

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

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

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

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

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

30 **H50-150. Questions requiring other than a majority vote.** The following questions require the vote

1 specified:

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

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

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

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

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

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

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

10 (8) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section
11 6, of the Montana Constitution for purposes other than therein described (three-fifths of each house);

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

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

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

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

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

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

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

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

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

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

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

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

30 **H50-160. Reconsideration.** (1) Any representative may, within 1 legislative day of a vote, move to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (2) An excused representative shall sign an absentee vote authorization form that specifies the

1 motion and the desired vote.

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

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

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

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

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

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

16 CHAPTER 6

17 Rules

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

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

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

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

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

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

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

