

HOUSE RESOLUTION NO. 1

INTRODUCED BY S. FITZPATRICK

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING THE HOUSE RULES.

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

That the following House Rules be adopted:

**RULES OF THE MONTANA
HOUSE OF REPRESENTATIVES**

CHAPTER 1

Administration

H10-10. House officers -- definitions. (1) House officers include a Speaker, a Speaker pro tempore, majority and minority leaders, and majority and minority whips.

(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.

(3) (a) "Majority leader" means the leader of the majority party, elected by the caucus.

(b) "Majority party" means the party with the most members, subject to subsection (4).

(c) "Minority leader" means the leader of the minority party, elected by the caucus.

(d) "Minority party" means the party with the second most members, subject to subsection (4).

(4) If there are an equal number of members of the two parties with the most members, then the majority party is the party of the Speaker and the minority party is the other party with an equal number of members.

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

(2) The Speaker shall see that all members conduct themselves in a civil manner in accordance with

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1 accepted standards of parliamentary conduct. The Speaker may, when necessary, order the Sergeant-at-Arms
2 to clear the aisles and seat the members of the House so that business may be conducted in an orderly
3 manner.

4 (3) Signs, placards, visual displays, or other objects of a similar nature are not permitted in the rooms,
5 lobby, gallery, or on the floor of the House. The Speaker may order the galleries, lobbies, or hallway cleared in
6 case of disturbance or disorderly conduct.

7 (4) The Speaker shall sign all necessary certifications by the House, including enrolled bills and
8 resolutions, journals, and subpoenas.

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

11 (6) The Speaker is the chief officer of the House, with authority for all House employees.

12 (7) The Speaker may name any member to perform the duties of the chair. If the House is not in
13 session and the Speaker pro tempore is not available, the Speaker shall name a member who shall call the
14 House to order and preside during the Speaker's absence.

15 (8) Upon request of the Minority Leader, the Speaker will submit a request for a fiscal note on any bill.

16 **H10-30. Speaker-elect.** During the transition period between the party organization caucuses and the
17 election of House officers, the Speaker-elect has the responsibilities and authority appropriate to organize the
18 House. Authority includes approving presession expenditures.

19 **H10-40. Speaker pro tempore duties.** The Speaker pro tempore shall, in the absence or inability of
20 the Speaker, call the House to order and perform all other duties of the chair in presiding over the deliberations
21 of the House and shall perform other duties and exercise other responsibilities as may be assigned by the
22 Speaker.

23 **H10-50. Majority Leader.** The primary functions of the majority leader usually relate to floor duties. The
24 duties of the majority leader may include but are not limited to:

25 (1) being the lead speaker for the majority party during floor debates;

26 (2) helping the Speaker develop the calendar;

27 (3) assisting the Speaker with program development, policy formation, and policy decisions; and

28 (4) presiding over the majority caucus meetings; and

1 (5) other duties as assigned by the caucus.

2 **H10-60. Majority Whip.** The duties of the majority whip may include but are not limited to:

3 (1) assisting the majority leader;

4 (2) ensuring member attendance;

5 (3) counting votes;

6 (4) generally communicating the majority position; and

7 (5) other duties as assigned by the caucus.

8 **H10-70. Minority Leader.** The minority leader is the principal leader of the minority caucus. The duties
9 of the minority leader may include but are not limited to:

10 (1) developing the minority position;

11 (2) negotiating with the majority party;

12 (3) directing minority caucus activities on the chamber floor;

13 (4) leading debate for the minority; and

14 (5) other duties as assigned by the caucus.

15 **H10-80. Minority Whip.** The major responsibilities for the minority whip may include but are not limited
16 to:

17 (1) assisting the minority leader on the floor;

18 (2) counting votes;

19 (3) ensuring attendance of minority party members; and

20 (4) other duties as assigned by the caucus.

21 **H10-90. Employees.** (1) The Speaker shall appoint a Chief Clerk and Sergeant-at-Arms and may
22 appoint a Chaplain, subject to confirmation of the House.

23 (2) The Speaker shall employ necessary staff or delegate that function to the employees designated in
24 subsection (1).

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

27 (4) The Speaker and majority and minority leaders may each appoint an assistant.

28 **H10-100. Chief Clerk's duties.** The Chief Clerk, under the supervision of the Speaker, is the chief

1 administrative officer of the House and is responsible to:

2 (1) supervise all House employees;

3 (2) have custody of all records and documents of the House;

4 (3) supervise the handling of legislation in the House, the House journal, and other House publications;

5 deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and

6 all original House bills and joint resolutions; collect audio recording logs and exhibits from all House committees

7 and subcommittees and provide them in an electronic format within a reasonable time after each meeting. An

8 electronic copy will be provided to the Legislative Services Division.

9 **H10-110. Duties of Sergeant-at-Arms.** The Sergeant-at-Arms shall:

10 (1) under the direction of the Speaker and the Chief Clerk, have charge of and maintain order in the
11 House, its lobbies, galleries, and hallways and all other rooms in the Capitol assigned for the use of the House;

12 (2) be present whenever the House is in session and at any other time as directed by the presiding
13 officer;

14 (3) execute the commands of the House and serve the writs and processes issued by the authority of
15 the House and directed by the Speaker;

16 (4) supervise assistants to the Sergeant-at-Arms, who shall aid in the performance of prescribed duties
17 and who have the same authority, subject to the control of the Speaker;

18 (5) clear the floor and anteroom of the House of all persons not entitled to the privileges of the floor
19 prior to the convening of each session of the House;

20 (6) bring in absent members when so directed under a call of the House;

21 (7) enforce the distribution of any printed matter in the House chambers and anteroom in accordance
22 with H20-70;

23 (8) enforce parking regulations applicable to areas of the Capitol complex under the control of the
24 House;

25 (9) supervise the doorkeeper; and

26 (10) supervise the pages.

27 **H10-120. Legislative interns.** (1) A legislative intern is a person specifically designated by a
28 representative to assist that representative in performing legislative duties. A representative may sponsor one

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1 legislative intern a session by written notification to the Sergeant-at-Arms.

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

4 (3) A legislative intern must be of legal age unless otherwise approved by the House Rules Committee.

5 (4) A legislative intern may not enter room 10 of the Capitol unless accompanied by the sponsoring
6 representative.

7 (4)(5) The Sergeant-at-Arms shall issue distinctive identification tags to legislative interns. The cost
8 must be paid by the sponsoring representative.

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

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

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

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 it, and its disposition;

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

20 (g) consideration of legislation subsequent to introduction;

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

23 (i) roll call votes; and

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

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

28 (4) Any representative may examine the daily journal and propose corrections. The Speaker may direct

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

2 (5) The Speaker shall authenticate the House journal after the close of the session.

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

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

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

11 CHAPTER 2

12 Decorum

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

15 (2) The Speaker or presiding officer may ask, "For what purpose does the member rise?" or "For what
16 purpose does the member seek recognition?" and may then decide if recognition is to be granted, except that
17 the Speaker or presiding officer shall always recognize the Speaker pro tempore, the majority leader, or the
18 minority leader.

19 **H20-20. Questions of order and privilege -- appeal -- breach of decorum -- offenses --**
20 **restrictions -- definitions.** (1) (a) The Speaker shall decide all questions of order and privilege and decisions
21 of recognition, subject to an appeal by any representative, to the House for determination by majority vote. The
22 question on appeal is, "Shall the decision of the chairman be sustained?".

23 (b) The Speaker shall preserve order and decorum of the House.

24 (c) A member may not indulge in personalities, impugn motives of members, use profane language, or
25 threaten physical injury to a member in the House chamber.

26 (d) A member's conduct that violates subsection (1)(c) is grounds for discipline by the House and is
27 considered a breach of decorum.

28 (2) (a) (i) A member engaging in a breach of decorum in violation of subsection (1)(c) may be called to

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1 order by the Speaker or the Speaker's designee.

2 (ii) If a question of order or privilege is raised during the Committee of the Whole, the presiding officer
3 will stand at ease and the Speaker or the Speaker's designee will assume the chair to decide the question.

4 (iii) The minority leader may raise a question of order or privilege on decorum to the Speaker or the
5 Speaker's designee.

6 (b) A member who is called to order by the Speaker or the Speaker's designee shall immediately cease
7 all activity and be seated.

8 (c) The call to order of a member for a violation of subsection (1)(c) is subject to appeal by any
9 representative to the House for determination by majority vote.

10 (d) (i) If the decision of the House is in favor of the member called to order, the member is permitted to
11 proceed.

12 (ii) Subject to subsection (2)(d)(iii), if the decision of the House is not in favor of the member called to
13 order, the member may not be permitted to proceed and is subject to the following:

14 (A) First offense: The member is issued a formal warning of the House to cease and desist the
15 disorderly behavior.

16 (B) Second offense: The member may not be recognized in debate or remarks on the House floor for
17 up to 3 consecutive legislative days beginning on the day on which the second offense is sustained.

18 (C) Third or subsequent offense: The member is not recognized or is expelled from the House floor for
19 up to 6 consecutive legislative days beginning on the day on which the third or subsequent offense is sustained.

20 (iii) At the Speaker's discretion, the sequential order of offenses provided for in this subsection (2) may
21 be reset after 1 month from the date of the latest offense.

22 (e) Nothing in this rule may be construed to:

23 (i) prohibit the offending member from voting on any measure before the House by participating
24 remotely; or

25 (ii) preclude the House from taking additional measures to discipline a member, including censure or
26 expulsion, regardless of the number of prior offenses, if any, committed by the offending member.

27 ~~(2)(3)~~ Responses to parliamentary inquiries may not be appealed.

28 ~~(3)(4)~~ (a) Questions of order and privilege, in order of precedence, are:

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

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

~~(b) (i) The Speaker shall resolve questions of order or privilege involving decorum by the next legislative day from the day that the question was raised.~~

~~(ii) If a question is not resolved pursuant to subsection (4)(b)(i), the question is moot and unenforceable.~~

~~(4)(5)~~ A member may not address the House on a question of privilege between the time:

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

(b) the previous question is ordered and the vote is taken on the proposition included under the previous question; or

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

~~(5)(6)~~ ~~(a)~~ "Indulge in personalities" means a member engaging in personal attacks about individuals.

~~(a)(b)~~ "Parliamentary inquiry" means a request for information regarding some procedure concerning some questions before the house.

~~(b)(c)~~ "Questions of order and privilege" means those questions as provided for in subsection ~~(3)-(4)~~ that enforce the House rules, maintain the order of the House, and protect the integrity, rights, and privileges of the House and its members.

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

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

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

H20-50. Dilatory motions or questions -- appeal. The House has a right to protect itself from dilatory motions or questions used for the purpose of delaying or obstructing business. The presiding officer shall decide if motions (except a call of the House) or questions are dilatory. This decision may be appealed to the

1 House for a determination by majority vote.

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

5 (2) The Speaker may discipline or discharge any House employee violating this prohibition. The
6 Speaker may withdraw the privileges of any House aide or intern for violating this prohibition.

7 (3) For the purposes of the House rules, "lobbying" means:

8 (i) the practice of promoting or opposing the introduction or enactment of legislation before the
9 Legislature or legislators; and

10 (ii) the practice of promoting or opposing official action of any legislator or the Legislature.

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

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

18 (2) The member called to order may move for an appeal to the House. The matter must be submitted to
19 the House for determination by majority vote. The motion is nondebatable.

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

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

26 **CHAPTER 3**

27 **Committees**

28 **H30-05. Interim committee appointments.** (1) The Speaker shall, subject to the approval of the

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1 House by a majority vote, appoint the membership of interim committees no later than April 1 during a regular
2 session of the legislature.

3 (2) A change by the Speaker of an interim committee appointment or the filling of a vacancy may be
4 approved by the House by a majority vote.

5 (3) (a) As provided in subsection (3)(b), the House may change the membership of any interim
6 committee by a three-fifths vote of the members present and voting on 3 legislative days' notice.

7 (b) A member under Order of Business No. 9 may move that specified changes be made to the
8 membership of any interim committee, with the vote 3 legislative days from the day the motion was made.

9 **H30-10. House standing committees -- appointments -- classification.** (1) (a) (i) The Speaker shall
10 determine the total number of members and after good faith consultation with the minority leader shall, with the
11 approval of the House by a majority vote, appoint the chairs, vice chairs, and members to the standing
12 committees.

13 (ii) A change by the Speaker of a standing committee appointment or the filling of a vacancy may be
14 approved by the House by a majority vote.

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

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

17 (a) class one committees:

18 (i) Appropriations;

19 (ii) Business and Labor;

20 (iii) Human Services;

21 (iv) Judiciary;

22 (v) State Administration; and

23 (vi) Taxation;

24 (b) class two committees:

25 (i) Education;

26 (ii) Energy, Technology, and Federal Relations;

27 (iii) Natural Resources; and

28 (iv) Transportation;

(c) class three committees:

(i) Agriculture;

(ii) Fish, Wildlife, and Parks; and

(iii) Local Government; and

(d) on call committees:

(i) Ethics;

(ii) Rules; and

(iii) Legislative Administration.

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

(4) The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's recommendations must be submitted to the leadership nominated or elected at the presession caucus.

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

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

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

(b) If a bill is heard in a select committee, it must be referred to a standing committee. The select committee shall report findings to the standing committee. The standing committee is not required to hold an additional hearing but shall take executive action and may report the bill to the committee of the whole.

(c) A change by the Speaker of select committee appointment or the filling of a vacancy may be

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1 approved by the House by a majority vote.

2 (8) (a) The Speaker shall appoint all conference, select, and special committees with the advice of the
3 majority leader and minority leader and with the approval of the House by a majority vote.

4 (b) A change by the Speaker of a conference, select, or special committee appointment or the filling of
5 a vacancy may be approved by the House by a majority vote.

6 (9) (a) (i) Except as provided in subsection (9)(b), the House may change the membership of any
7 committee by a three-fifths vote of the members present and voting on 3 legislative days' notice as provided in
8 subsection (9)(a)(ii).

9 (ii) A member under Order of Business No. 9 may move that specified changes be made to the
10 membership of any committee, with the vote 3 legislative days from the day the motion was made.

11 (b) (i) The House may change the membership of a conference committee by a three-fifths vote of the
12 members present and voting on 2 legislative days' notice as provided in subsection (9)(b)(ii).

13 (ii) A member under Order of Business No. 9 may move that specified changes be made to the
14 membership of any committee, with the vote 2 legislative days from the day the motion was made.

15 (10) (a) Except as provided for in subsection (10)(b), a standing, conference, select, or special
16 committee may not report a bill or action out of the committee prior to the approval of the committee
17 membership by the House in accordance with this section.

18 (b) The House Appropriations standing committee may report a bill or action out of committee prior to
19 the approval of the committee membership by the House in accordance with this section.

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

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

23 (b) except as provided in H30-40(3)(b) and H30-50(3)(b), schedule all bills assigned to committee for a
24 hearing prior to 3 legislative days before the applicable transmittal deadline for the bill as provided in Joint Rule
25 40-200;

26 (c) maintain order and decide all questions of order subject to appeal to the committee;

27 (d) supervise and direct staff of the committee;

28 (e) have the committee secretary keep the audio recording log;

(f) sign reports of the committee and submit them promptly to the Chief Clerk;

(g) appoint subcommittees to perform on a formal or an informal basis as provided in subsection (2);

(h) inform the Speaker of committee activity; and

(i) enforce fire code occupancy requirements.

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

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

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

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

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

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

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

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

(3) (a) All committees meet at the call of the chairman or upon the request of a majority of the members of the committee.

(b) A committee, through motion, may schedule a bill within the possession of the committee for a hearing prior to 3 legislative days before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200.

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

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

(6) All meetings of committees must be recorded and the audio recording logs must be available to the public within a reasonable time after the meeting. The official record of the committee meeting is the audio recording of the meeting, and the audio recording log must contain at least the following information:

- (a) the time and place of each meeting of the committee;
- (b) committee members present, excused, or absent;
- (c) the names of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;
- (d) all motions and their disposition;
- (e) the results of all votes;
- (f) references to the audio recording, sufficient to serve as an index to the original recording and official record; and
- (g) testimony and exhibits submitted in writing.

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

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

(3) (a) Subject to H30-60 and subsection (3)(b), the committee shall act on each bill in its possession and that has had a hearing prior to the last legislative day before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200:

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

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

2 (B) favorably as to passage; or

3 (C) unfavorably; or

4 (ii) by tabling the measure in committee.

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

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

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

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

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

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

17 (b) the recommendation of the committee;

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

19 (d) a fiscal note, if required and available.

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

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

26 (9) The vote of each member on all committee actions must be recorded. All motions may be adopted
27 only on the affirmative vote of a majority of the members voting. Standing and select committees may by a
28 majority vote of the committee authorize members to vote by proxy if absent, while engaged in other legislative

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1 business or when excused by the presiding officer of the committee due to illness or an emergency.

2 Authorization for absentee or proxy voting must be reflected in the committee audio recording log.

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

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

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

9 (13) (a) Except as provided in subsection (13)(b), legislation requested by a committee requires three-
10 fourths of all members of the committee to vote in favor of the question to allow the committee to request the
11 drafting or introduction of legislation. Votes requesting drafting and introduction of committee legislation may be
12 taken jointly or separately.

13 (b) The House Appropriations committee may request the drafting and introduction of legislation by a
14 majority vote of all of the members of the committee.

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

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

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

18 (b) to offer motions;

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

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

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

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

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

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

28 (18) Committee procedure must be informal, but when any questions arise on committee procedure,

1 the rules or practices of the House are applicable except as stated in the House Rules.

2 **H30-60. Public testimony -- decorum -- time restrictions.** (1) Subject to Joint Rule 30-05, remote or
3 in-person testimony from proponents, opponents, and informational witnesses must be allowed on every bill or
4 resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall
5 register on the committee witness list.

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

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

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

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

17 **H30-70. Ethics Committee.** (1) The Ethics Committee shall meet only upon the call of the chair after
18 the referral of an issue from the Rules Committee or the Legislator Conduct Panel or to consider a request for a
19 determination pursuant to subsection (4). The Rules Committee may be convened to consider the referral of a
20 matter to the Ethics Committee upon the request of a representative. The Rules Committee shall prepare a
21 written statement of the specific question or issue to be addressed by the Ethics Committee. Except for a
22 referral from the Legislative Conduct Panel, the issues referred to the Ethics Committee must be related to the
23 actions of a representative.

24 (2) The matters that may be referred to the Ethics Committee are:

25 (a) a violation of:

26 (i) 2-2-103, MCA;

27 (ii) 2-2-104, MCA;

28 (iii) 2-2-111, MCA;

(iv) 2-2-112, MCA; or

(v) Joint Rule 10-85:

(b) the use or threatened use of a representative's position for personal or personal business benefit or advantage; or

(c) any other violation of law by a representative while acting in the capacity of Representative.

(3) If there is a recommendation from the Ethics Committee, the recommendation is made to the House.

(4) A representative may seek a determination from the Ethics Committee concerning the possibility of a personal conflict of interest.

CHAPTER 4

Legislation

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

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

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

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

H40-30. Cosponsors. (1) Within 2 days from the date that the chief sponsor signs and accepts legislation from the Legislative Services Division and prior to submitting legislation to the Chief Clerk for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(2) After legislation is submitted for introduction but before the legislation returns from the first House committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Chief Clerk.

1 This filing must be noted by the Chief Clerk for the record on Order of Business No. 10.

2 **H40-40. Introduction -- receipt -- messages from Senate and elected officials.** (1) During a
3 session, proposed House legislation may be introduced in the House by submitting it, endorsed with the
4 signature of a representative as chief sponsor, to the Chief Clerk for introduction. Except for the first 15 bill
5 numbers that may be reserved for preintroduced legislation, in each session of the Legislature, the proposed
6 legislation must be numbered consecutively by type in the order of receipt. Submission and numbering of
7 properly endorsed legislation constitutes introduction.

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

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

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

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

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

26 **H40-70. Referral.** (1) The Speaker shall refer to a House committee, joint select committee, or joint
27 special committee all properly introduced House legislation and transmitted Senate legislation in conformity with
28 the House Rules Appendix and within 2 legislative days of introduction or transmission.

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

H40-80. Rereferral -- Appropriations Committee rereferral -- normal progression. (1) Legislation that is in the possession of the House and that has not had a House hearing in the currently assigned House committee may be rereferred to a House committee in accordance with the House Rules Appendix, by House motion approved by a majority of the members present and voting.

(2) (a) With the consent of the majority leader, the minority leader, and the bill sponsor, legislation that has passed second reading in the Committee of the Whole and that has been rereferred to the Appropriations Committee and is reported from committee without amendments may be placed on third reading.

(b) Prior to being placed on third reading, legislation rereferred must be sent to be processed and reproduced as a third reading version and specifically marked as having been passed on second reading and rereferred to the House Appropriations Committee and reported from the committee without amendments.

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

(b) A motion to remove legislation from its normal progress through the House as provided in subsection (3)(a) by House motion must be approved by no fewer than 55 of the members present and voting.

H40-90. Legislation withdrawn from committee. Legislation may be withdrawn from a House committee after a committee hearing on the legislation by House motion approved by no fewer than 55 of the members present and voting.

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

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

(3) If the House rejects an adverse committee report, the bill progresses to second reading, as

1 scheduled by the Speaker, with any amendments recommended by the committee.

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

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

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

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

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

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

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

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

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

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

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

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

6 (2) (a) Legislation reported out of committee may be added to the second reading agenda on that
7 legislative day on a motion approved by a majority of the members present and voting.

8 (b) Legislation reported out of the Committee of the Whole may be added to the third reading agenda
9 on 1 day's notice on a motion approved by a majority of the members present and voting.

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

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

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

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

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

26 (6) When the Committee of the Whole reports to the House, the House shall adopt or reject the
27 Committee of the Whole report. If the House rejects the Committee of the Whole report, the legislation remains
28 on second reading, as amended by the Committee of the Whole, and must be acted on by the Committee of the

1 Whole by the next legislative day unless the House orders otherwise.

2 (7) A representative may move to segregate legislation from the Committee of the Whole report before
3 the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on
4 second reading unless the House orders otherwise. Amendments adopted by the Committee of the Whole on
5 segregated legislation remain adopted unless reconsidered pursuant to H50-170 or unless the legislation is
6 rereferred to a committee.

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

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

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

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

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

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

23 (a) recommend passage or nonpassage;

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

25 (c) amend;

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

27 (e) pass consideration;

28 (f) call for cloture;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) A representative, when speaking in the Committee of the Whole, shall keep the representative's

1 [discussion to the bill and avoid discussion of topics unrelated to the bill.](#)

2 **H40-180. Special provisions for debate on the general appropriations bill -- sections --**

3 **amendments.** (1) The Appropriations Committee chairman, in presenting the bill, is not subject to the 5-minute
4 speaking limitation.

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

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

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

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

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

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

20 **H40-190. Engrossing.** (1) After legislation is passed on second reading, it must be engrossed within
21 48 hours under the direction of the Speaker. The Speaker may grant an additional 24 hours for engrossing.

22 (2) When the legislation that has passed second reading, as amended, has been correctly engrossed, it
23 must be placed on third reading on the following legislative day. If the bill is not amended, the bill must be sent
24 to printing and must be placed on third reading on the legislative day after receipt. On the final legislative day,
25 the correctly engrossed legislation may be placed on third reading on the same legislative day. For the
26 purposes of this rule, "engrossing" means placing amendments in a bill. (See Joint Rule 40-150.)

27 **H40-200. Third reading.** (1) All bills, joint resolutions, and Senate amendments to House bills and joint
28 resolutions passing second reading must be placed on third reading the day following the receipt of the

1 engrossing or other appropriate printing report.

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

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

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

7 **H40-220. Senate amendments to House legislation.** (1) When the Senate has properly returned
8 House legislation with Senate amendments, the House shall announce the amendments on Order of Business
9 No. 4, and the Speaker shall place them on second reading for debate. The Speaker may, with the approval of
10 the House, rerefer House legislation with Senate amendments to a committee for a hearing if the Senate
11 amendments constitute a significant change in the House legislation. The second reading vote is limited to
12 consideration of the Senate amendments.

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

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

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

20 (2) The House may debate and adopt or reject the conference committee report on second reading on
21 any legislative day. The House may reconsider its action in rejecting a conference committee report under rules
22 for reconsideration, H50-170.

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

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

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

H40-240. Enrolling. (1) When House legislation has passed both houses, it must be enrolled within 48 hours under the direction of the Speaker. The Speaker may grant an additional 24 hours for enrolling.

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

(3) The correctly enrolled legislation must be delivered to the Speaker, who shall sign the legislation within 1 day of receipt of the correctly enrolled legislation unless the bill sponsor concurs to delay the signing of the enrolled legislation.

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

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

(b) The Governor's amendments must be placed on the second reading agenda for consideration by the Committee of the Whole or may be assigned to a committee in accordance with the House Rules Appendix for a recommendation of adoption or rejection of the Governor's amendments.

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

(3) If both the House and the Senate accept the Governor's recommended amendments on a bill that requires more than a majority vote for final passage, the House shall place the final form of the legislation on third reading to determine if the required vote is 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 -- excuse -- call of the House. (1) A representative, unless excused, is required

1 to be present at every sitting of the House.

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

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

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

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

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

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

16 (3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also
17 be lifted by a successful motion to adjourn for the day or by two-thirds of the representatives present and
18 voting.

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

21 (2) If the representative is present at the time of the call, the Speaker, with the approval of a majority of
22 representatives present, may approve a request for a leave with cause.

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

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

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

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

13 **H50-65. Request to move to any order of business.** (1) Except as provided in subsection (2), the
14 Speaker pro tempore, the majority leader, or the minority leader may request that the House move to any order
15 of business at any time.

16 (2) If the House has resolved itself into the Committee of the Whole under Order of Business No. 7, a
17 representative may not request that the House move to any order of business.

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

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

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

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

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

28 (2) No representative may speak for more than 10 minutes on the same question, except that a

1 representative may have 5 minutes to close.

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

5 (2) The following motions are nondebatable:

6 (a) for a call of the House;

7 (b) to recess or rise;

8 (c) for parliamentary inquiry;

9 (d) to table or take from the table;

10 (e) to call for the previous question or cloture;

11 (f) to amend a nondebatable motion;

12 (g) to divide a question;

13 (h) to suspend the rules;

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

15 (j) to appeal a call to order;

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

17 (l) to change a vote pursuant to H50-210.

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

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

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

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

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

28 (a) to adjourn (nondebatable H50-90);

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

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

(d) for a question of privilege;

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

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

(g) to postpone consideration to a day certain;

(h) to refer to a committee; and

(i) to propose amendments.

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

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

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

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

H50-140. Dividing a question. Except as provided in H40-180(3), a representative may request to divide a question as a matter of right if it includes two or more propositions so distinct that they can be separated and if at least one substantive question remains after one substantive question is removed. The request is nondebatable under H50-90. The presiding officer may rule that a question is nondivisible. The ruling of the chair may be appealed as provided in H20-20(1), H20-80(2), H50-160(13), and H70-50. For an appeal of a ruling of the presiding officer, the question for the house must be stated as, "Shall the ruling of the chair be upheld?".

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

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

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

100 House Members

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

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

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

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

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

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

Members Present and Voting

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

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

(3) a motion to withdraw a bill from a committee after a committee hearing on the bill pursuant to H40-90 approved by no fewer than 55 of the members;

(4) a motion to remove legislation from its normal progress through the House as provided under H40-80(3) and reassign it unless otherwise specifically provided by these rules (three-fifths);

(5) a motion to change a vote pursuant to H50-210 (unanimous);

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

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

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

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- 1 (9) a motion to record a vote pursuant to H50-200(2) (one representative);
- 2 (10) a motion to record a vote in the journal (two representatives);
- 3 (11) a motion to speak more than once on a debatable motion pursuant to H50-80(1) (unanimous vote);
- 4 (12) a motion by the House to change the membership of a committee pursuant to H30-05(3) and H30-
- 5 10(9) approved by three-fifths of the members;
- 6 (13) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee
- 7 pursuant to H70-50 (15 representatives).

8 **Entire Legislature**

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

11 **H50-170. Reconsideration -- time restriction.** (1) Any representative may, within 1 legislative day of a

12 vote, move to reconsider the House vote on any matter still within the control of the House.

13 (2) A motion to reconsider is a debatable motion, but the debate is limited to the motion. The debate on

14 a motion to reconsider is limited to two proponents and two opponents to the motion and the debate may not

15 address the substance of the matter for which reconsideration is sought. However, an inquiry may be made

16 concerning the purpose of the motion to reconsider.

17 (3) A motion for reconsideration, unless tabled or replaced by a substitute motion, must be disposed of

18 when made.

19 (4) When a motion for reconsideration fails, the question is finally settled. A motion for reconsideration

20 may not be renewed or reconsidered.

21 (5) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the

22 same rules.

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

24 legislation.

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

26 **H50-180. Renewing procedural motions.** The House may renew a procedural motion if further House

27 business has intervened.

28 **H50-190. Tabling.** (1) Under Order of Business No. 9, a representative may move to table any

1 question, motion, or legislation before the House except the question of a quorum or a call of the House. The
2 motion is nondebatable and may not be amended.

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

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

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

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

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

13 (5) A member may be present for a vote by electronic means, with the permission of the speaker.

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

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

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

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

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

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

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

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

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

H50-230. Recess. The House may stand at ease or recess under any order of business by order of the Speaker or a majority vote. 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. Subject to Article V, section 10(5), of the Montana Constitution, a representative may move that the House adjourn for the session. The motion is debatable and may be made under any order of business except Order of Business No. 7.

CHAPTER 6

Motions

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

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

(3) Except as provided in H50-160 or as specifically provided for in these House Rules, a majority vote of representatives voting is necessary for a motion or question to pass.

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

(1) to adjourn;

(2) for a call of the House;

(3) to recess or rise;

(4) for parliamentary inquiry;

(5) to table or to take from the table;

(6) to call for the previous question or for cloture;

(7) to amend a nondebatable motion;

(8) to divide a question;

(9) to suspend the rules; and

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

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

(a) to adjourn;

(b) for a call of the House;

(c) to recess or rise;

(d) for a question of privilege;

(e) to table or take from the table;

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

(g) to postpone consideration to a day certain;

(h) to refer or rerefer; and

(i) to propose amendments.

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

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

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

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

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

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

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

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

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

1 reconsider.

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

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

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

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

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

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

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

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

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

18 **H60-105. Motion to direct standing, select, special, or conference committee action.** A
19 representative may move that the House direct a standing, select, special, or conference committee take an
20 action of:

21 (1) scheduling a bill in the committee's possession for a hearing and public testimony on a date certain;

22 or

23 (2) acting on a bill, Governor's amendments, or Senate amendments in the committee's possession by
24 a date certain.

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

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

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

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

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

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

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

CHAPTER 7

Rules

H70-10. House rules -- amendment -- report timing. (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 and joint rules.

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

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

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

H70-40. Supplementary rules. Mason's Manual of Legislative Procedure (2020) governs House proceedings in all cases not covered by House rules.

H70-50. Interpreting rules -- appeal. The Speaker shall interpret all questions on House rules, subject

1 to appeal by any 15 representatives to the House Rules Committee. Unless the delay would cause legislation to
2 fail to meet a scheduled deadline, the House Rules Committee may consider and report on the appeal on the
3 next legislative day. The decision of the House Rules Committee may be appealed to the House by any
4 representative.

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

7 **Appendix**

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

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

12 **Appropriations:** Appropriations for the Legislature, general government, and bonding, including
13 supplemental appropriations and the coal severance tax.

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

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

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

25 **Energy, Technology, and Federal Relations:** Energy generation and transmission; Indian
26 reservations; international relations; interstate cooperation and compacts, except those relating to law
27 enforcement and water compacts; relations with the federal government; relations with sovereign Indian tribes;
28 telecommunications; technology; and utilities other than municipal utilities.

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

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

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

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

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

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

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

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

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20 - END -