

## HOUSE RULES

It is proposed that the House adopt a motion to suspend the House Rules as reflected in this document for the duration of the Special Session. House Rules not contained in this document would remain in effect as provided in H70-20.

**H30-50. Procedures.** (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.

(3) The committee shall act on each bill in its possession:

(a) by reporting the bill out of the committee:

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

(ii) favorably as to passage; or

(iii) unfavorably; or

(b) by tabling the measure in committee.

(4) The committee may not report a bill to the House without recommendation. Except as provided in subsection (5), a tie vote in a standing committee on the question of a recommendation to the whole House on a matter before the committee, for example on a question of whether a bill "do pass" or "do not pass", does not result in the matter passing out to the whole House for consideration without recommendation.

~~(5) Each political party is entitled to choose 12 bills on which a tie vote in committee will result in the matter passing out of committee to the whole House without recommendation. The bills must be chosen by the House Democratic Leader for the Democratic party and the House Republican Leader for the Republican party. The House Democratic Leader and the House Republican Leader may agree in writing to increase the number of bills on which a tie vote in committee will result in the matter passing out of committee to the whole House without recommendation.~~

~~(6) The committee may recommend that a bill on which it has made a favorable recommendation by unanimous vote be placed on the consent calendar.~~

~~(7)~~ (6) In reporting a measure out of committee, a committee shall include in its report:

(a) the measure in the form reported out;

(b) the recommendation of the committee;

(c) an identification of all substantive changes; and

(d) a fiscal note, if required.

~~(8)~~ (7) If a measure is withdrawn from a committee and brought to the House floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee.

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

~~(10)~~ (9) The vote of each member on all committee actions must be recorded. All motions may be adopted only on the affirmative vote of a majority of the members voting.

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

~~(12)~~ (11) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.

~~(13)~~ (12) A committee may reconsider any action as long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

~~(14)~~ (13) Any legislation requested by a committee requires three-fourths of all members of the committee to vote in favor of the question to allow the committee to request the drafting or introduction of legislation. Votes requesting drafting and introduction of committee legislation may be taken jointly or separately.

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

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

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

(b) to offer motions;

(c) to assert points of order and privilege;

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

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

(f) to vote, either by being present or by proxy, using a standard form or through the vice chairman or minority vice chairman.

~~(17)~~ (16) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the House Rules.

~~(18)~~ (17) A committee may consolidate into one bill any two or more related bills referred to it whenever legislation may be simplified by the consolidation.

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

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

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

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

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

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

~~receive more than one reading.~~

**H40-70. Referral.** (1) If the Speaker is not the elected leader of the Democratic caucus, the Rules Committee shall establish the jurisdiction of each standing committee and all properly introduced House legislation and transmitted Senate legislation must be referred to a House committee, ~~joint select committee, or joint special committee~~ by the Chief Clerk of the House in conformity to the committee jurisdiction. The assignment of a bill to a committee may be appealed to the Rules Committee by either House Leader. If the Rules Committee does not reassign a bill to another committee, the original assignment may not be changed unless accomplished by motion on the House floor.

(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 -- normal progression.** (1) ~~Except as provided in Subject to subsection (2),~~ legislation that is in the possession of the House and that has not been finally disposed of may be rereferred to a House committee by ~~House motion approved by not less than three fifths of the members present and voting~~ agreement between the House Democratic Leader and the House Republican Leader.

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

(3) 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.

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

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

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

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

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

~~(4) If any one representative submits a written objection to the placement of legislation~~

~~on the consent calendar, the legislation must be removed from the consent calendar and added to the regular second reading board.~~

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

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

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

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

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

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

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

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

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

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

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

~~(2) When the legislation that has passed second reading, as amended, has been correctly engrossed, it may be placed on third reading on the following legislative day. If the bill is not amended, the bill must be sent to printing. On the final legislative day, the correctly engrossed legislation may be placed on third reading on the same legislative day. For the purposes of this rule, "engrossing" means placing amendments in a bill.~~

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

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

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

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

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

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

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

**H50-150. 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 (two-thirds);

(2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund (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 (two-thirds);

(5) a motion to temporarily suspend a joint rule governing the procedure for handling bills (two-thirds).

Members Present and Voting

(1) a motion to override the Governor's veto (two-thirds);

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

(3) a motion to lift a call of the House (two-thirds);

~~(4) a motion to rerefer a bill from one committee to another pursuant to Rule 40-80(1) (three-fifths);~~

~~(5)~~ (4) a motion to withdraw a bill from a committee (three-fifths);

~~(6)~~ (5) a motion to add legislation to the second or third reading agenda (three-fifths);

~~(7) 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, such as H40-80(2) (three-fifths);~~

(8) a motion to change a vote (unanimous);

(9) a motion to call for cloture (two-thirds);

(10) a motion to take from the table in Committee of the Whole (three-fifths).

Members Voting

(1) a motion to amend or suspend rules (two-thirds);

(2) a motion to overturn an adverse committee report (three-fifths);

(3) a motion to record a vote (one representative);

- (4) a motion to spread a vote on the journal (two representatives);
- (5) an appeal of the ruling of the presiding officer (three representatives);
- (6) a motion to speak more than once on a debatable motion (unanimous vote);
- (7) a motion to appeal the presiding officer's interpretation of the rules to the House

Rules Committee (15 representatives).

Entire Legislature

- (1) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the entire Legislature).