

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

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

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

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

CHAPTER 2

Decorum

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

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

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

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

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

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

(2) (a) (i) A member engaging in a breach of decorum in violation of subsection (1)(c) may be called to order by the Speaker or the Speaker's designee.

(ii) If a question of order or privilege is raised during the Committee of the Whole, the presiding officer

will stand at ease and the Speaker or the Speaker's designee will assume the chair to decide the question.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(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

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Drafter: Todd Everts,

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~~(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 House for a determination by majority vote.

1 may not conduct business on legislation and a motion for a call of the House without a quorum is in order.

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

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

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

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

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

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

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

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

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

22 (4) A representative, when speaking in the Committee of the Whole, shall keep the representative's
23 discussion to the bill and avoid discussion of topics unrelated to the bill.

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

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

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