

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, the Speaker's designee, or the presiding officer in the Committee of the Whole.

(ii) The minority leader may raise a question of order or privilege on decorum to the Speaker, the

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Speaker's designee, or the presiding officer in the Committee of the Whole.

(b) A member who is called to order 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 offense and subsequent offenses: The member 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) If the behavior of the member causes physical injury to a member while in the chamber or incites a riot or disturbance in the chamber, the member may be expelled for up to 90 days.

(f) 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)~~ Questions of order and privilege, in order of precedence, are:

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

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

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

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

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

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

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

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

8 ~~(b)(c)~~ "Questions of order and privilege" means those questions as provided for in subsection ~~(3)-(4)~~

9 that enforce the House rules, maintain the order of the House, and protect the integrity, rights, and privileges of
10 the House and its members.

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

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

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

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

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

25 (2) The Speaker may discipline or discharge any House employee violating this prohibition. The
26 Speaker may withdraw the privileges of any House aide violating this prohibition.

27 **H20-70. Papers distributed on desks -- exception.** A paper concerning proposed legislation may not
28 be placed on representatives' desks unless it is authorized by a member and permission has been granted by

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

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

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

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

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

(a) recommend passage or nonpassage;

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

(c) amend;

(d) reconsider as provided in H50-170;

(e) pass consideration;

(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 discussion to the bill and avoid discussion of topics unrelated to the bill.

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

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

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

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

(5) Following completion of the debate on each section, that section is closed and may not be reopened