

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

administrative officer of the House and is responsible to:

- (1) supervise all House employees;
 - (2) have custody of all records and documents of the House;
 - (3) supervise the handling of legislation in the House, the House journal, and other House publications;
- deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and all original House bills and joint resolutions; collect audio recording logs and exhibits from all House committees and subcommittees and provide them in an electronic format within a reasonable time after each meeting. An electronic copy will be provided to the Legislative Services Division.

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

- (1) under the direction of the Speaker and the Chief Clerk, have charge of and maintain order in the House, its lobbies, galleries, and hallways and all other rooms in the Capitol assigned for the use of the House;
- (2) be present whenever the House is in session and at any other time as directed by the presiding officer;
- (3) execute the commands of the House and serve the writs and processes issued by the authority of the House and directed by the Speaker;
- (4) supervise assistants to the Sergeant-at-Arms, who shall aid in the performance of prescribed duties and who have the same authority, subject to the control of the Speaker;
- (5) clear the floor and anteroom of the House of all persons not entitled to the privileges of the floor prior to the convening of each session of the House;
- (6) bring in absent members when so directed under a call of the House;
- (7) enforce the distribution of any printed matter in the House chambers and anteroom in accordance with H20-70;
- (8) enforce parking regulations applicable to areas of the Capitol complex under the control of the House;
- (9) supervise the doorkeeper; and
- (10) supervise the pages.

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

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 or room 64 of the Capitol unless accompanied by the
6 sponsoring 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

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

(b) "Questions of order and privilege" means those questions as provided for in subsection (3) 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.

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

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

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

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

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

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

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

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

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

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

17 **CHAPTER 3**

18 **Committees**

19 **H30-05. Interim committee appointments.** (1) The Speaker shall, subject to the approval of the
20 House by a majority vote, appoint the membership of interim committees no later than April 1 during a regular
21 session of the legislature.

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

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

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

28 **H30-10. House standing committees -- appointments -- classification.** (1) (a) (i) The Speaker shall