

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) (i) A member may not breach decorum.

(ii) A member may not be disciplined for the content of speech that does not breach decorum.

(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.

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

1 (b) A member who is called to order shall immediately cease all activity and be seated.

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

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

6 (ii) If the decision of the House is not in favor of the member called to order, the member may not be
7 permitted to proceed and is subject to the following:

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

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

12 (e) Nothing in this rule may be construed to prohibit the offending member from voting on any measure
13 before the House by participating remotely.

14 ~~(2)(3)~~ Responses to parliamentary inquiries may not be appealed.

15 ~~(3)(4)~~ Questions of order and privilege, in order of precedence, are:

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

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

18 ~~(4)(5)~~ A member may not address the House on a question of privilege between the time:

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

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

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

23 ~~(5)(6)~~ (a) "Decorum" means the collective conduct required for the House to conduct business, debate
24 questions, and make decisions effectively and without dilatory or distracting actions. Decorum requires that
25 members refrain from using profanity, impugning the integrity or motivations of members of the body, or
26 violating procedures around privileges and recognition.

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

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

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

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

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

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

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

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

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

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

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

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

(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

1 the point in time in which the first substitute motion to amend was made.

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

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

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

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

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

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

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

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

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

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

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

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

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