

MINUTES OF THE MEETING
RULES COMMITTEE
50TH LEGISLATIVE SESSION

April 10, 1987

The fourteenth meeting of the House Rules Committee was called to order by Chairman Hannah on Friday, April 10, 1987 at 1:45 p.m. of the State Capitol.

ROLL CALL: All members were present.

Chairman Hannah said he called this meeting in order to address two areas. One had to do with the press reaction to drinking on the floor of the House. He asked members if they wish to address this issue or handle it the way it has been handled in the past; and that is by going to the people involved and asking them to restrain from drinking on the floor.

Rep. Quilici said he feels this can be handled through the leadership of the House. They are the ones who have taken care of this problem in the past. While there have been some abuses over the years, Rep. Quilici said he has seen few.

Rep. Mercer pointed out that under present rules, the decorum is handled under the rules of the Speaker. He said that it wouldn't be wrong in having a rule prohibiting alcohol consumption on the floor. Rep. Ramirez thought it might be good to have such a rule without bringing it up with too much fanfare.

Rep. Quilici feels the whips should handle the decorum on the floor, not only when it comes to drinking but other things as well. He also feels the problem can be handled without any fanfare.

Chairman Hannah said he doesn't feel the problem has gotten out of hand, but he did want to bring it before the committee for discussion.

It was Rep. Eudaily's suggestion that the subject be brought up before the next session convenes if there is strong support to change the rules with respect to this issue.

Pursuant to a general consensus of the committee, Chairman Hannah said the next time the Rules Committee meets for the formation of rules, this subject would be on the agenda for discussion and potential addition to the rules.

Chairman Hannah asked Al Abramson from the Chief Clerk's Office to report their progress on the rules project. Al submitted a draft and explained that it is a general recodification of the joint rules and the House rules as they relate to House operations. It also contains some changes in the rules that


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Al detailed for the committee with the exception of what he calls "floor action." (See Exhibit 1.)

Rep. Vincent felt the House should have the right to have different introduction deadlines than the Senate. He thought that might present problems for the Legislative Council.

Rep. Addy informed the committee that one of the Democrat members is interested in adopting a procedure for leave of absence for medical reasons during a "call of the House." Some procedure should be established so that when there is a "call of the House," a member requiring hospital care or medical attention could be excused. The general consensus of the committee was to have Al Abramson look into this proposed rule change.

ADJOURN: A motion having been made by Rep. Iverson, the meeting adjourned at 2:15 p.m.



Rep. Tom Hannah, Chairman

ADMINISTRATION

[] Convening in regular session. The House shall convene at noon on the first Monday of January of each odd-numbered year, or, if January 1st is a Monday, on the first Wednesday.

[] Organization. When the House first convenes in regular session, the secretary of state, or the senior member-elect present, presides and administers the oath of office to the members-elect. If a quorum is present, the House may then elect its officers.

[] House officers. (1) House officers shall include a speaker and a speaker pro tempore, and may include majority and minority floor leaders and majority and minority whips.

(2) A majority of House members elects the speaker and speaker pro tempore from the House members. A majority of each caucus elects the remaining officers.

[] Speaker's duties. (1) The speaker is the presiding officer of the House, responsible for administration, order and decorum.

(2) The speaker shall appoint the members of all standing and select committees not otherwise specified by law or rule.

(3) The speaker shall sign all necessary certifications by the House, including enrolled bills and resolutions, journals, subpoenas, and payrolls.

(4) The speaker is the chief administrative officer of the House, responsible for supervising all House employees. The chief clerk and sergeant-at-arms shall assist the speaker in this duty.

[] Speaker pro tempore duties. The speaker pro tempore shall act as the presiding officer in the absence of the speaker, and shall carry out such other duties assigned by the speaker.

[] Legislative administration committee duties. (1) The legislative administration committee shall consider matters relating to legislative administration, employees, budgets, equipment, operations, and expenditures.

(2) The committee may act in the interim to prepare for future legislative sessions, or may delegate authority to a legislative agency.

(3) The committee shall act as the House bills and journal committee.

(4) The committee shall comprise the House membership of the joint legislative administration committee.

[] Employees. (1) The speaker shall appoint a chief clerk, sergeant-at-arms, and chaplain, subject to confirmation of the House.

(2) The chief clerk and sergeant-at-arms shall recommend to the legislative administration committee employment of necessary staff. The committee shall have authority to hire or terminate such staff.

(3) The secretary for a standing or select committee is generally responsible to the committee chairman, but when not occupied with committee duties shall work under the direction of the house chief stenographer.

[] Legislative aides. (1) A legislative aide is a person who assists a representative in performing legislative duties. A legislator may sponsor one legislative aide by written notification to the sergeant-at-arms.

(2) No member may designate a second legislative aide per session without the approval of the house rules committee.

(3) Legislative aides must be of legal age unless otherwise approved by the House rules committee.

(4) The sergeant-at-arms will issue distinctive identification tags to legislative aides. The cost shall be paid by the sponsoring legislator.

[] Legislative interns. A legislative intern is a person designated under title 5, chapter 6, MCA.

[] House journal. (1) The House shall keep a journal, which is the official record of House actions.

(2) The legislative administration committee shall examine the daily journal, correct any inaccuracies, and certify the correct copy.

(3) The speaker shall authenticate the session's House journal after the close of any session.

(4) Every vote on each substantive question on the House floor shall be recorded and made public. On final disposition of legislation, the vote shall be spread by ayes and noes on the journal.

(5) A vote shall also be spread by ayes and noes on the journal at the request of any two representatives before the vote.

(6) The legislative council shall publish and distribute the House journal under the direction of the legislative administration committee.

DECORUM

[] The speaker, or the member acting as presiding officer, shall decide all questions of order and privilege, subject to an appeal by any member seconded by two other members.

[] Questions of privilege, in order of precedence, are: first, those affecting the collective rights, safety, dignity, and integrity of the House; and second, those affecting the rights, reputation, and conduct of individual House members.

[] Lobbying on the House floor and in the anteroom is prohibited during the session, two hours before the session, and two hours after the session.

[] The following persons may be admitted to the House floor during a daily session: present and former legislators; legislative employees necessary for the conduct of the session; accredited news staff; and members' spouses and children. Exceptions may be made by the presiding officer.

[] No member may speak over five minutes on the same question or motion, except as provided below.

[] Except for the member who places a motion or question before the body, no member may speak more than once on the motion or question unless a unanimous House consents. The member who places the motion or question may close after all other members who choose to speak have spoken.

[] A member may, through the presiding officer, ask questions of another member during a floor session. There is no limit on questions and answers, except as provided below.

[] The House has a right to protect itself from dilatory motions and questions, used for the purpose of delaying or obstructing business.

[] Following the opening for each day's session, the order of business of the House is as follows: 1) Communications; 2) Standing committee reports; 3) Select committee reports; 4) Senate messages; 5) Governor messages; 6) Motions; 7) First reading; 8) Second reading; 9) Third reading; 10) Special orders; and 11) Announcements.

[] Lobbying by employees. (1) A legislative employee, intern, or aide of either House is prohibited from lobbying,

although a House committee may request testimony from the person.

(2) Any employee, intern or aide violating this prohibition shall be discharged by the legislative administration committee.

[] A paper for against proposed legislation may not be placed on representatives' desks unless a representative has signed it and has received permission from the presiding officer.

COMMITTEES

[] The following are the House standing committees: agriculture, livestock and irrigation; appropriations, business and labor; educational and cultural resources; fish and game; highways and transportation; human services and aging; judiciary; legislative administration; local government; natural resources; rules; state administration; and taxation.

[] The chairman of a committee is the presiding officer of that committee, responsible for order within the committee room and its environs, supervision of committee staff and certification of committee reports and minutes.

[] In the absence of the chairman, the vice-chairman is the presiding officer.

[] The speaker, majority leader, and minority leader are ex-officio, non-voting members of all House committees; they are not considered part of the quorum.

[] When legislation is referred to a committee, it may vote to recommend amendment and disapproval or approval of the legislation. It requires a majority vote of the committee members voting to recommend any action on a bill.

[] No committee recommendation takes effect until adopted by the House.

[] The committee may vote to report a bill to the House without recommendation for consideration on second reading.

[] No House committee may allow motions to limit debate.

[] Seconds to motions in committee are not required.

[] A committee, except for the committee of the whole, may at any time reconsider its previous action on legislation remaining in its jurisdiction.

RULES

[] House rules. The House shall adopt, through House resolution, rules to govern its proceedings. There is no deadline for the drafting request or introduction of House resolutions adopting or amending House rules.

[] The speaker shall refer to the House rules committee all resolutions for House rules adoption or amendment.

[] Rules adopted by the House remain in effect until removed by House resolution or until a new House is elected and takes office.

[] The House may, by a two-thirds vote, suspend a House rule.

[] Mason's Manual of Legislative Procedure (1979) governs House proceedings in all cases not covered by House rules.

[] The speaker, or the presiding officer, interprets all questions on House rules, subject to appeal by any three members to the House rules committee. The ruling of the House rules committee may be appealed to the House.

[] A House rule, insofar as it relates to the internal proceedings of the House, supersedes a joint rule.