Parliamentarian Hugh Cannon wrote that “one’s introduction to parliamentary procedure can be confusing and mystifying. The language is new, even strange. The process is very different from the way in which people ordinarily discuss matters and make decisions in their home or office. You may feel that you are in the middle of the process before you even know how to start.”

This LegisBrief is designed to help readers gain a better understanding of one legislative parliamentary process—decorum in debate.

What is debate?
Note: parliamentarian Luther Cushing defines debate in two ways:
- In its strictest sense, it refers “only to what is said on the one side or the other of a question which the house is to decide by a vote.”
- "In a broader sense, it embraces everything which is said in the house by members, whether upon a question pending, or in reference to any other proceeding, matter, or business whatever.”

Why is debate regulated by parliamentary rules?
In his book, "Lawmaking and the Legislative Process," former NCSL staffer Tommy Neal wrote, “The legislative process, on paper, is a mechanical process. There are many variations from state to state but it’s basically the same in all states as well as in the U.S. Congress. What makes it different from a machine is the interaction of legislators, and their personalities, who were elected to make the laws for your state.”

A legislative institution does not choose its members—the voters from each congressional or legislative district do that. Each chamber, however,
has the right to protect its proceedings by controlling interactions among its members on the floor and in committee.

The Standard Code of Parliamentary Procedure says debate is regulated “to assure every member a reasonable and equal opportunity to speak.” And according to Riddick’s Rules of Procedure, “Debate follows a pattern of formality to preserve an objective, impersonal interchange of thought, as well as to help maintain order. Formal debate provides for order and courtesy.”

Simply stated, rules for debate exist to safeguard the rights, privileges and obligations of all members; to provide them with equal opportunities to be heard; to ensure fairness and good faith among them; and to promote full and free discussion of issues.

How is debate controlled?

It is essential that deliberative assemblies conduct debate in a manner that protects the rights of individual members to be heard, yet is efficient. Legislative chambers may control debate through:

- **Recognition**—which member may speak. The presiding officer plays a key role in the conduct of business on the floor. Typically, debate must be addressed to the presiding officer, and the presiding officer determines which member may speak. For example, U.S. Senate Rule XIX-1(a) states in part, “When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized.”

- **Frequency**—how often a member may speak. A member typically may speak only once or twice per question. In the Maine House, Rule 401 states, “A member may not speak more than twice to the same question without first asking leave of the House.”

- **Length**—how long a member may speak. Time limits vary, but most commonly range from five to 15 minutes. According to 2017-2018 Colorado House Rule 13(d), “no member shall speak longer than ten minutes without consent of the House.”

- **Location**—from where a member may speak. A legislative assembly may require its members to speak from their desks or specified locations in the chamber. According to Pennsylvania Senate Rule 10, a senator “may address the Senate at a microphone located on the Floor of the Chamber.”

- **Language**—what a member may say. For example, 2018-2019 Virginia House Rule 57 says, “No member shall in debate use any language or gesture calculated to wound, offend, or insult another member.”

What is decorum, and why is it important during debate?

Decorum generally is defined as “appropriateness and propriety of behavior, conduct or appearance.” Within the legislative environment, decorum relates to “the proper order, etiquette and conduct of members during a floor session.”

Parliamentarians generally agree that debate should not be overly personal. As a result, most legislative assemblies have adopted rules of decorum that place focus on the issue being discussed, not the person speaking.

- **Members should not refer to each other by proper name.** Instead, legislators may be required to address each other by district number, geographic area, county, city or other respectful title. For example, 2017-2018 Missouri House Rule 85 requires a member to refer, as appropriate, to other members as “Lady,” “Gentleman” or “Representative.” According to parliamentarian Alice Sturgis, this practice serves as a reminder that a legislator is speaking not as an individual but as a representative of a constituency.

- **References to the other chamber, executive branch, judicial branch or the actions thereof are not permitted.** According to Mason’s Manual of Legislative Procedure, such references are “inconsistent with the independence of a legislative body.”

- **Indecent language and disorderly words are prohibited.** For example, 2017-2018 Alabama House Rule 50 directs members to “be mindful that children are often present when the House is in session” and to “never use language that is profane, tasteless, vulgar or morally crude.”

South Dakota Joint Rule 1B-1 offers another example of why decorum is important: “The people of South Dakota require that their legislators maintain the highest of moral and ethical standards as such standards are essential to assure the trust, respect and confidence of our citizens. Legislators have a solemn responsibility to avoid improper behavior and refrain from conduct that is unbecoming to the Legislature or that is inconsistent with the Legislature’s ability to maintain the respect and trust of the people it serves. While it is not possible to write rules to cover every circumstance, each legislator must do everything in his or her power to deal honorably with the public and with his or her colleagues and must promote an atmosphere in which ethical behavior is readily recognized as a priority and is practiced continually, without fail.”

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**Additional Resources**
- Mason’s Manual of Legislative Procedure
- 2020 Mason’s Manual Commission
- Videos on Best Practices for Debate and Decorum
- NCSL Glossary of Legislative Terms

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