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**Testimony on 23-H 5052, House Resolution Amending the Rules of the House of  
Representatives for the Years 2023 and 2024**

**January 18, 2023**

The ACLU of RI suggests an amendment to this proposed revision to the House rules if it is favorably considered.

H-5052 amends Rule 22 governing floor debates to provide that "a member may not claim the floor during a session for the purpose of speaking on a subject matter not germane to legislative business, including, but not limited to, the reading of any text, the recital of any poem, the singing of any song or the broadcast of any material using an electronic device."

We obviously agree that the Speaker has an absolute right to ensure that only discussion related to legislative business is allowed on the floor, and non-germaneness is always a relevant consideration in recognizing the ability of a House member to speak. But Rule 22 would seem to already do that by specifying that debate "shall be confined to the matter before the House."

However, H-5052 seems to go further by conflating the content of a message (i.e., its germaneness to House business) with the method by which the message is delivered (i.e., by reading a text or poem, singing, or broadcasting). **If the comments are relevant to legislative business**, we do not believe it should matter if they are imparted by a Representative through extemporaneous oratory, the reading of notes, or even the creative use of iambic pentameter (whether the legislator's own creation or the borrowing of a more accomplished bard). By the same token, non-germane commentary should not get special favorable treatment merely because the orator does the House the favor of not singing it.

We therefore would respectfully suggest that all the language on Page 1, lines 11-12 after the word "business" be deleted so that the amendment is focused solely on ensuring relevance in House debate, regardless of the manner of the speech.

Thank you for considering our views on this.

Submitted by: Steven Brown, Executive Director