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To: [Fox, Susan](#)
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Subject: FW: [EXTERNAL] JP Senate rules
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Attachments: [SR0001 JP.docx](#)

From: JP Pomnichowski <pomnicho@gmail.com> **On Behalf Of** JP Pomnichowski
Sent: Friday, October 2, 2020 2:42 PM
To: Everts, Todd <teverts@mt.gov>
Subject: [EXTERNAL] JP Senate rules

S10-50. Presiding officer and duties.

(2) The President shall take the chair ~~on~~ **in** every ~~legislative day~~ **floor session** at the hour to which the Senate adjourned at the last ~~sitting~~.

[change legislative day to floor session; define sitting to include remote participation in a floor session.]

(5) The President shall **sign** all necessary certifications of the Senate, including enrolled bills and resolutions, journals, subpoenas, and payrolls. The President's **signature** must be attested by the Secretary of the Senate.

[define sign and signature to include electronically sign or acknowledge and electronic signature]

S10-80. Legislative Administration Committee duties. (1) The Legislative Administration Committee shall consider matters relating to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

(2) The committee has authority to act in the interim to prepare for future legislative sessions.

[THIS PROVISION DOES NOT EXIST IN JOINT RULES FOR THE RULES COMMITTEE]

S10-130. Senate employees. (1) In addition to the employees appointed by the President, the Senate

shall employ staff recommended by the leadership and the Legislative Administration Committee as necessary to perform the functions of the Senate.

(2) The Secretary of the Senate shall designate a secretary to take and prepare ~~written~~ minutes of committee meetings for each standing committee. A committee secretary is immediately responsible to the chair, but shall work under the overall direction of the Secretary of the Senate, subject to authority of the committee chair.

[search for the term "written"] [this does not apply even now. Our committee meeting minutes are recorded A/V.]

S20-40. Recognition by chair. A Senator desiring to speak shall **rise** and address the presiding officer

and, once being recognized, shall speak **standing** in place. The presiding officer may grant permission for a speaker to speak from elsewhere in the **chamber**. When two or more Senators **rise** at the same time, the presiding officer shall name the order of the speakers.

[search for terms “standing”, “stand”, “rise”, “in place”, “chamber”]

[S30-30 is MISSING from both this electronic document and the printed rules book]

S30-50. Chair's duties. (1) The chair of a committee is the presiding officer of that committee and is responsible for:

- (a) maintaining order within the committee room and its environs;
- (b) scheduling hearings and executive action;
- (c) supervising committee work, including the appointment of subcommittees to act on a formal or informal basis; and

(d) authenticating committee reports by **signing** them and submitting them promptly to the Secretary of the Senate. The chair shall **sign** business reports reflecting action taken in each committee meeting that enable the preparation of committee minutes.

The minutes must be printed on archival paper.

(2) The Secretary of the Senate shall arrange to have the minutes copied in an electronic format. An electronic copy will be provided to the Legislative Services Division and the State Law Library of Montana. **The archival paper copy must be delivered to the Montana Historical Society.**

[define sign to include electronically sign or accept]

S30-50. Chair's duties. (1) (d) **authenticating** committee reports by **signing** them and submitting them promptly to the Secretary of the Senate. The chair shall **sign** business reports reflecting action taken in each committee meeting that enable the preparation of committee minutes. **The minutes must be printed on archival paper.**

The Secretary of the Senate shall arrange to have the minutes copied in an electronic format. An electronic copy will be provided to the Legislative Services Division and the State Law Library of Montana. **The archival paper copy must be delivered to the Montana Historical Society.**

S30-60. Meetings -- notice -- purpose -- minutes.

- (2) Notice of a committee hearing must be made by posting the date, time, and subject of the hearing **online and in a conspicuous public place** not less than 3 legislative days in advance of the hearing. This 3-day notice requirement does not apply to hearings scheduled:

[use language from section (3): “using all practical means to disseminate notice of the hearing to the public”]

- (c) to consider confirmation of a gubernatorial appointment received less than 10 **legislative days** before the last scheduled day of a legislative session; or

[strike “legislative” and say only 10 days?]

- (3) When a committee hearing is scheduled with less than 3 days' notice, the committee chair shall use all practical means to disseminate notice of the hearing to the public.

S30-70. Procedures -- member privileges. (1) The chair shall **notify** the sponsor of any bill pending before the committee of the time and place it will be considered.

(2) A standing or select committee may not hear legislation unless the sponsor or one of the cosponsors is **present** or unless the sponsor has given written consent.

(C) unfavorably; or

(ii) by tabling the measure in committee.

(b) At the **written request** of the sponsor made at least 48 hours prior to a scheduled hearing, a committee shall finally dispose of a bill without a hearing. Except as provided in S30-60(9), a bill may not be reported from a committee without a hearing.

(13) The privileges of committee members include the following:

- (a) to **participate** freely in committee discussions and debate;
- (b) to offer motions;
- (c) to assert points of order and privilege;
- (d) to question witnesses upon recognition by the chair;
- (e) to offer any amendment to any bill; and
- (f) to vote, either by being **present** or by proxy, using a **standard form**.

(14) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the Senate Rules.

S30-80. Public testimony -- decorum -- time restrictions. (1) Testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall **register** on the committee **witness list or by electronic means**.

(2)(a) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a reasonable opportunity to do so, orally or in writing, subject to time constraints. Written testimony may not be required of any witness, but **all witnesses must be encouraged to may submit a statement in writing for the committee's official record**.

(3) The chair may order **actions to maintain order in the committee meeting. the committee**

~~room cleared of visitors if there is disorderly conduct.~~ During committee meetings, visitors may not speak unless called upon by the chair. Restrictions on time available for testimony may be announced.

- (4) ~~For in-person committee meetings, the~~ number of people in a committee room may not exceed the maximum posted by the State Fire Marshall. The chair shall maintain that limit.
- (5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but ~~for in-person committee meetings,~~ the chair may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is at the discretion of the chair.

S30-100. ~~Pairs prohibited -- Absentee or proxy voting. Pairs in standing committee are prohibited.~~ Standing and select committees may by a majority vote of the committee authorize Senators to vote in absentia. Authorization for absentee or proxy voting must be reflected in the committee minutes.

S30-160. Ethics Committee. (1) The Ethics Committee ~~is a standing session committee and~~ shall meet only upon the call of the chair after the referral of an issue from the Rules Committee or the Legislator Conduct Panel or to consider a request for a determination pursuant to subsection (4). The Rules Committee may be convened to consider the referral of a matter to the Ethics Committee upon the request of a Senator. The Rules Committee shall prepare a written statement of the specific question or issue to be addressed by the Ethics Committee. Except for a referral from the Legislative Conduct Panel, the issues referred to the Ethics Committee must be related to the actions of a Senator during a legislative session.

(2) The matters that may be referred to the Ethics Committee are:

(a) a violation of:

(i) 2-2-103;

(ii) 2-2-104;

(iii) 2-2-111;

(iv) 2-2-112; or

(v) Joint Rule 10-85:

(b) the use or threatened use of a Senator's position for personal or personal business benefit or advantage; or

(c) any other violation of ~~rules or~~ law by a Senator while acting in the capacity of Senator.

(3) If there is a recommendation from the Ethics Committee, the recommendation is made to the Senate.

(4) A Senator may seek a determination from the Ethics Committee concerning the possibility of a personal conflict of interest.

[shall we specify that the Ethics Committee is a standing session committee? Or allow the Ethics Committee to convene as an on-call or administrative committee? Or add a section (5) In the interim, Legislative Council will serve as the Ethics Committee.]

S40-10. Types of legislation. The only types of legislation that may be introduced in the Senate are those that have been drafted and approved by the Legislative Services Division and **signed** by a Senator as chief sponsor. The types of legislation allowed include:

[define sign and sign- to include electronic sign- and/or acknowledgement via electronic means]

S40-20. Introduction -- first reading.

(2) Bills and resolutions preintroduced as provided in Joint Rule 40-40 may be assigned to committee, **posted online** and **printed** prior to the legislative session.

S40-30. Additional sponsors. (1) Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill or resolution. **Forms for adding sponsors** will be supplied on request by the Secretary of the Senate.

(2) Upon passage of the motion, the names of the additional sponsors will be printed in the journal and the **form** containing the signatures of the additional sponsors will be forwarded to the Legislative Services Division with the original bill for the inclusion of the names in subsequent printings of the bill or resolution.

[refer to edited language in Joint Rule 10-130:]

(7) Prior to submitting legislation for introduction, the chief sponsor may add representatives and senators as cosponsors. **A legislator may indicate in person, via electronic message or phone communication, or on a cosponsor form to be added as a co-sponsor. If a printed cosponsor form is used, a legislator must sign or initial the cosponsor form** supplied by the Secretary of the Senate or the Chief Clerk of the House in order to be added as a cosponsor. **A legislator may also sign on the front page of the legislation.**

S40-60. Scheduling for second reading. (1) All bills and resolutions that have been reported by a committee or withdrawn from a committee by motion, accepted by the Senate, and **reproduced** must be scheduled for consideration by Committee of the Whole.

(2) Until the **50th legislative day**, 1 day must elapse between receiving the legislation from printing and scheduling for second reading for consideration by Committee of the Whole unless a **posted or** printed version of an unamended bill is available.

(3) The **majority leader in consultation with the minority leader** shall arrange legislation on the agenda in the order in which the bills will be considered, unless otherwise

ordered by the Senate or Committee of the Whole.

S50-10. Attendance -- mandatory voting -- quorum. (1) Unless excused, Senators must be present at every **sitting** of the Senate and shall vote on questions put before the Senate.

[define/include sitting as “convened meeting”?]

S50-20. Orders of business. After **prayer**, roll call, and report on the journal, the order of business of the Senate is as follows:

S50-40. Procedure upon offering a motion. (1) When a motion is offered it must be restated by the presiding officer. If requested by the presiding officer or a Senator, it must be reduced to **writing**, presented at the rostrum, and read aloud by the Secretary.

[include in definition of writing “electronic” or something similar]

S50-50. Precedence of motions. (3) A question may be indefinitely postponed by a majority roll call of all Senators **present and voting**.

S50-90. Reconsideration -- time restrictions. (1) Subject to subsection (6), any Senator may, on the day the vote was taken or on the next day the Senate is in **floor** session...

(5) If a motion to reconsider third reading action is carried, there may not be further action **on the bill** until the succeeding legislative day.

S50-95. Rerefferral. (1) ~~Legislation that is in the possession of the Senate and that has been reported from a committee with a do pass or be concurred in recommendation may be rereferred to a Senate committee by a majority vote.~~

S50-120. Committee reports to Senate -- reconsideration. (1) Reports of standing committees must be read on Order of Business No. 2, and, if there is no objection to form, are considered adopted. Subject to subsection (4), debate may not be had on any report.

(2) On an adverse committee report, the sponsor may respond to the chair of the committee making the report.

(3) Any Senator seeking a reconsideration of the Senate's action on the adoption of a committee report shall do so on Order of Business No. 9 by motion to reconsider as provided in S50-90. Any Senator may make the reconsideration motion and **need not have voted on the prevailing side**.

S50-140. Second reading -- Committee of the Whole report -- segregation -- rejection. (1) The Senate may resolve itself into a Committee of the Whole for consideration of business on second reading, by approval of a motion for that purpose.

(2) After a Committee of the Whole has been formed, **the President shall appoint a chair to preside**.

S50-150. Committee of the Whole amendments. (1) All Committee of the Whole amendments must be prepared by the staff of the Legislative Services Division, stipulating the date and time of preparation and staff approval, and delivered to the Secretary of the Senate for reading before the amendment is voted on.

(2) Each amendment, rejected or adopted, must be **printed** in the journal, along with the name of the sponsor and the vote on each.

[perhaps change “printed” to “included”? or “posted and printed”?]

S50-180. Voting on second reading -- positive disposition of motions. (1) On Order of Business No. 7, in addition to other methods, a recorded vote may be made in the following manner: the chair may call for a voice vote to accept or reject a question. If the vote is other than unanimous, the chair may ask that the lesser number on the question indicate their vote **by standing by approved methods for counting votes**. The Secretary will then record the vote **of those standing**. The chair may then rule that unless excused those **not standing of the greater number** and present have voted on the prevailing side of the question and that their vote be recorded as voting on the prevailing side. If there was a unanimous voice vote, all those present will be recorded as having voted for the question.

(2) A motion on second reading must be disposed of by a positive vote.

S50-190. Third reading procedure. (1) Unless rereferred to a committee by a majority vote after the adoption of the Committee of the Whole report but before moving to another order of business, all legislation passing second reading must be placed on third reading the day following the receipt of the engrossing or other appropriate **printing** report.

S50-200. Senate voting -- changing a vote -- objection. ~~(1) A roll call vote must be taken on the request of two Senators, if the request occurs before the vote is taken.~~

~~(2) On a roll call vote the names of the Senators must be called alphabetically, unless an electronic voting system is used. A Senator may not vote after the decision is announced from the chair. A Senator may not explain a vote until after the decision is announced from the chair.~~

(3) A Senator may move to change the Senator's vote, on any recorded vote, within 1 legislative day of the vote. The Senator making the motion shall first specify the bill number, the date of the vote, and the original vote tally. A vote may not be changed if it would affect the outcome of legislation. The motion is nondebatable. If none of the Senators present object, the change must be entered into the journal.

(4) If any Senator objects to the request in subsection (3), the Senator making the request may move to suspend the rules to allow the Senator to change the Senator's vote.

(5) An error caused by a malfunction of the voting system may be corrected without a vote within ~~30~~ **10** minutes of the malfunction.

~~**S50-210. Pairs. (1) Two Senators may pair on a question that will be determined by a majority vote. On a question requiring a two-thirds vote for adoption, three Senators may pair, with two Senators for the question and one Senator against. Pairing is permitted only when one of the paired Senators is excused when the vote is taken.**~~

~~**(2) An agreement to pair must be in writing and dated and signed by the Senators agreeing to be bound and must specify the duration of the pair. When an agreement to pair is filed with the Secretary of the Senate, it binds the Senators signing until the expiration of time for which it was signed, unless the paired Senators sooner appear and ask that the agreement be canceled.**~~

S50-220. Call of the Senate without a quorum. (1) In the absence of a quorum, a majority of Senators present may compel the attendance of absent Senators by ordering a call of the Senate.

~~**(2) If a quorum is present, five Senators may order a call of the Senate.**~~

(3) On a call of the Senate, ~~**a Senator who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of the Senators present direct.**~~ ~~**When**~~ when the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator's absence, the Senator may not be paid any expense payments while absent and is liable for the expenses incurred in procuring the Senator's attendance.

(4) During a call of the Senate, all business must be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. The call may be removed by a two-thirds vote of the members **present**.

[for Call of the Senate, mirror the House rule. The call is to gather a quorum:]

H50-30. Call of the House without a quorum. (1) In the absence of a quorum, a majority of the representatives present may compel the attendance of absent representatives through a call of the House without a quorum. The motion for the call is nondebatable, may not be amended, and is in order at any time it has been established that a quorum is not present.

(2) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.

(3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also be lifted by a successful motion to adjourn for the day or by two-thirds of the representatives present and voting.

S50-240. Governor's amendments. (1) When the Governor returns a bill with recommended amendments, the Senate shall announce the amendments under Order of Business No. 4.

(2) The Senate may debate and adopt or reject the Governor's recommended

amendments on second reading ~~on any legislative day in any Senate floor session.~~

S50-250. Governor's veto. (2) ~~In any Senate floor session On any legislative day~~, a Senator may move to override the Governor's veto by a two-thirds vote under Order of Business No. 9.

S70-20. Receiving nominations -- requesting bill drafts. (1) Nominations received from the Governor must be:

- (a) received by the President;
 - (b) delivered to the Secretary of the Senate; and
 - (c) read under Order of Business No. 4, messages from the Governor.
- (2) The Secretary shall **distribute** a copy of the list of nominations to each Senator.

Appendix A List of Questions Requiring Other Than a Majority Vote The following questions require the vote specified:

- (1) a call of the Senate with **out** a quorum pursuant to S50-220(2) (five Senators);

(3)a motion to amend or suspend rules pursuant to S60-10 (two-thirds);

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