

1 JOINT RESOLUTION NO. 1
2 INTRODUCED BY ****
3 BY REQUEST OF THE ****
4

5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6 MONTANA ADOPTING THE JOINT LEGISLATIVE RULES.

7
8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
9 THE STATE OF MONTANA:

10 That the following Joint Rules be adopted:

11 **JOINT RULES OF THE MONTANA**
12 **SENATE AND HOUSE OF REPRESENTATIVES**

13 **CHAPTER 1**

14 **Legislator Remote Participation**

15 **1-05. Definitions.** As used in these joint rules, the following definitions apply:

16 (1) "Member" means a member of the Senate or the House of Representatives for the 68th Legislature.

17 (2) "Participating remotely", "remotely present", or "participate remotely" means participating by
18 telephone, teleconference, videoconference, or other means.

19 (3) "Present" means a member was either physically present and participating in the session or
20 remotely present and participating in the session.

21 **1-40. Members physically present or remotely present by electronic means.** (1) The Senate and
22 the House may assemble, convene, and conduct the session with members being either physically present or
23 participating remotely. A member is not permitted to participate remotely unless excluded from physical
24 participation based on a decision of the member's caucus leader pursuant to Joint Rule 1-50.

25 (2) Subject to subsection (3), members who are permitted to participate remotely in the session:

26 (a) may vote on any question or other matter before the Senate or the House, including committees of
27 the Senate or the House;

28 (b) have the same privileges, rights, and duties as if the member were physically present, including the

1 on a state telephone while the Legislature is in session or while the member is in travel status are considered
2 official legislative business. These include but are not limited to calls made to constituencies, places of
3 business, and family members. A member's access to the internet through a permissible server is a proper use
4 of the state communication system if the use is for legislative business or is within the scope of permissible use
5 of long-distance telephone calls.

6 (2) Session staff, including aides, may use state telephones for long-distance calls only if specifically
7 authorized to do so by their legislative sponsor or supervisor. Sponsoring members and supervisors are
8 accountable for use of state telephones and internet access by their staff, including aides, and may not
9 authorize others to use state phones or state servers to access the internet.

10 (3) Permanent staff of the Legislature shall comply with executive branch rules applying to the use of
11 state telephones.

12 (4) For purposes of this section, "state telephone" or "state phone" means a landline telephone or other
13 telephone provided by the state.

14 **10-75. Legislative space – chambers restroom.** (1) The location of chambers for the House of
15 Representatives and the location of chambers for the Senate are at the sole discretion of each legislative body
16 as provided in section 2-17-101, MCA. Pursuant to section 2-17-114, MCA, this authority and control extend to
17 the entire third floor of the state capitol, including the respective chamber.

18 (2) The legislative space on the capitol complex includes the restrooms between the chambers of the
19 House of Representatives and the chambers of the Senate in rooms 353 and 354 of the state capitol. These
20 restrooms are designated as legislative restrooms that are reserved exclusively for use by legislators and
21 legislative staff.

22 (3) The legislative restrooms are not publicly accessible space and must remain closed to the public.

23 (4) Room 353 is reserved exclusively for use by a male, and room 354 is reserved exclusively for use
24 by a female.

25 (5) As used in this rule, the following definitions apply:

26 (a) "Female" means a member of the human species who, under normal development, has XX
27 chromosomes and produces or would produce relatively large, relatively immobile gametes, or eggs, during her
28 life cycle and has a reproductive and endocrine system oriented around the production of those gametes. An

1 individual who would otherwise fall within this definition, but for a biological or genetic condition, is female.
2 (b) "Male" means a member of the human species who, under normal development, has XY
3 chromosomes and produces or would produce small, mobile gametes, or sperm, during his life cycle and has a
4 reproductive and endocrine system oriented around the production of those gametes. An individual who would
5 otherwise fall within this definition, but for a biological or genetic condition, is male.

6 **10-80. Joint employees.** The presiding officers of each house, acting together, shall:

7 (1) hire joint employees; and

8 (2) review a dispute or complaint involving the competency or decorum of a joint employee, and
9 dismiss, suspend, or retain the employee.

10 **10-85. Discrimination, harassment, and retaliation prohibited -- adoption of policy.** (1) Legislators,
11 legislative employees, and all participants in the legislative process have the right to work free of discrimination,
12 harassment, and retaliation when performing services in furtherance of legislative responsibilities, whether the
13 offender is an employer, employee, or legislator.

14 (2) The policy of the Montana Legislature prohibiting discrimination, harassment, and retaliation, as
15 recommended by the Legislative Council and approved by the Legislature by virtue of adoption of these joint
16 rules, must be shared with members and staff during orientation and training and published separately as an
17 appendix to the Joint Rules.

18 **10-100. Legislative Services Division.** (1) The staff of the Legislative Services Division shall serve
19 both houses as required.

20 (2) Staff members shall:

21 (a) maintain personnel files for legislative employees; and

22 (b) prepare payrolls for certification and authorization by the presiding officer and prepare a monthly
23 financial report.

24 (3) The Legislative Services Division shall train journal clerks for both houses.

25 **10-120. Engrossing and enrolling staff -- duties.** (1) The Legislative Services Division shall provide
26 all engrossing and enrolling staff.

27 (2) The duties of the engrossing and enrolling staff are:

28 (a) to engross or enroll any bill or resolution delivered to them within 48 hours after it has been