

SENATE RESOLUTION NO. 1

INTRODUCED BY VAN VALKENBURG
BY REQUEST OF THE SENATE RULES COMMITTEE

IN THE SENATE

JANUARY 7, 1991

INTRODUCED AND REFERRED TO COMMITTEE
ON RULES.

FIRST READING.

JANUARY 10, 1991

COMMITTEE RECOMMEND RESOLUTION
BE ADOPTED. REPORT ADOPTED.

JANUARY 11, 1991

PRINTING REPORT.

SECOND READING, ADOPTED.
AYES, 48; NOES, 0.

SEND TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 SENATE RESOLUTION NO. 1

2 INTRODUCED BY VAN VALKENBURG

3 BY REQUEST OF THE SENATE RULES COMMITTEE

4
5 A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA TO ADOPT
6 RULES TO GOVERN ITS PROCEEDINGS.7
8 BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

9 That the following rules be adopted:

10 Chapter 1

11 Administration

12 S10-10. Officers of the Senate. The officers of the
13 Senate are the officers listed and elected in accordance
14 with Title 5, chapter 2, part 2, MCA.15 S10-20. Term of office. The term of office for the
16 officers and employees of the Senate established by law
17 shall be until the succeeding Legislature is organized.
18 Nothing in this rule shall be construed to mean the staff
19 will be full-time employees during an interim.20 S10-30. President pro tempore and other officers. (1)
21 The Senate shall, at the beginning of each regular session,
22 and at such other times as may be necessary, elect a Senator
23 President pro tempore.24 (2) The Senate shall choose its other officers and
25 shall be the judge of the elections, returns, and

1 qualifications of the Senators.

2 S10-40. Voting by presiding officer. Any Senator, when
3 acting as presiding officer of the Senate, shall vote as any
4 other Senator.5 S10-50. Presiding officer and duties. (1) The presiding
6 officer of the Senate shall be the President of the Senate
7 who shall be chosen in accordance with law.8 (2) The President shall take the chair on every
9 legislative day at the hour to which the Senate adjourned at
10 the last sitting.11 (3) The President may name a Senator to perform the
12 duties of the chair when the President pro tempore is not
13 present in the Senate chamber. The Senator who is named is
14 vested during such time with all the powers of the
15 President.16 (4) The President shall have general control over the
17 assignment of rooms for the Senate and shall preserve order
18 and decorum. The President may order the galleries and
19 lobbies cleared in case of disturbance or disorderly
20 conduct.21 (5) The President shall issue cards to the media to
22 allow floor access, and reporters holding such passes shall
23 be subject to placement on the floor by the President. The
24 President may administer this rule through the office of the
25 Secretary of the Senate.

1 (6) The President shall sign all necessary
2 certifications of the Senate, including enrolled bills and
3 resolutions, journals, subpoenas, and payrolls. His
4 signature must be attested by the Secretary of the Senate.

5 (7) The President shall approve the calendar for each
6 legislative day.

7 (8) The President is the chief administrative officer
8 of the Senate, with authority for the general supervision of
9 all Senate employees. The President may seek the advice and
10 counsel of the Legislative Administration Committee.

11 (9) The President of the Senate is the authorized
12 approving authority of the Senate during the term of
13 election to that office.

14 (10) The President shall refer bills to committee upon
15 introduction or reception in the office of the Secretary of
16 the Senate.

17 S10-60. Succession. In case of the absence or
18 disqualification of the President, the President pro tempore
19 of the Senate shall perform the duties of the President
20 until the vacancy is filled or the disability removed.

21 (2) Whenever the President pro tempore of the Senate is
22 of the opposite political party from that of the President,
23 the following procedure applies:

24 (a) If the President dies while in office, the members
25 of his political party shall have the right to immediately

1 nominate and elect an acting President of the same party.

2 (b) If the President is absent for two or more
3 legislative days or at any time after the 85th legislative
4 day or at any time during special session of the Legislature
5 but able and desirous of appointing an acting President to
6 act in his absence, he may do so, or the members of his
7 political party shall have the right to immediately nominate
8 and elect an acting President of the same party.

9 (c) An acting President of the Senate shall have the
10 powers of the President and supersede the powers of the
11 President pro tempore.

12 S10-70. President-elect. The President-elect nominated
13 by the appropriate party caucus held in accordance with
14 section 5-2-201, MCA, shall have the responsibility and
15 authority to assume the duties of President of the Senate.

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

20 (2) The committee shall have authority to act in the
21 interim to prepare for future legislative sessions.

22 (3) The committee shall approve contracts for purchase
23 or lease of equipment and supplies for the Senate, subject
24 to the approval of the President.

25 (4) The committee shall consider disputes or complaints

1 involving the competency or decorum of legislative employees
2 referred to it by the President and recommend dismissal,
3 suspension and/or retention of such employees.

4 (5) The chairman of the Legislative Administration
5 Committee may, upon approval of the President, have purchase
6 orders and requisitions prepared and forwarded to the
7 accounting office in the Legislative Council.

8 **S10-90. Senate employees.** (1) In addition to the
9 employees appointed by the President in accordance with
10 section 5-2-221, MCA, the Senate shall employ staff
11 recommended by the leadership and the Legislative
12 Administration Committee as necessary to perform the
13 functions of the Senate.

14 (2) Standing committee chairmen shall designate a
15 secretary to take and transcribe minutes of committee
16 meetings. A committee secretary is immediately responsible
17 to the chairman, but shall work under the overall direction
18 of the Secretary of the Senate, subject to authority of the
19 committee chairman.

20 (3) (a) The President and floor leaders may each
21 appoint a private secretary.

22 (b) The whips may each appoint a private secretary
23 whose duties will include assisting other staff on an
24 assigned basis when authorized by their respective whip.

25 **S10-100. Secretary of the Senate and duties.** The

1 Secretary of the Senate works under the direction of the
2 President. The responsibilities of the Secretary of the
3 Senate include:

4 (1) performing the duties prescribed by law or other
5 provisions of these rules;

6 (2) serving as parliamentary advisor to the Senate;

7 (3) compiling and maintaining the calendar for approval
8 by the President;

9 (4) keeping the leadership informed on the progress and
10 workload of the Senate;

11 (5) transmitting bills with appropriate messages to the
12 House of Representatives as instructed by action of the
13 Senate;

14 (6) keeping and maintaining records of the Senate; and

15 (7) supervision of the Senate employees, except as
16 otherwise provided.

17 **S10-110. Sergeant-at-Arms duties.** Under the direction
18 of the President, the Sergeant-at-Arms shall:

19 (1) maintain order as directed by the President or
20 chairman of the Committee of the Whole;

21 (2) enforce the lobbying rules of the Senate;

22 (3) supervise the employees assigned to his office;

23 (4) receive, distribute, and maintain supplies,
24 equipment, and other inventory of the Senate, along with
25 records of purchase and disposal in accordance with law;

1 (5) perform such duties as required by other rules and
2 the Senate.

3 **S10-120. Legislative aides.** Each Senator may designate
4 one person of legal age to serve as an aide during the
5 session. Exceptions to this policy may be approved by the
6 rules committee. The Senator shall register his aide with
7 the Secretary of the Senate and arrange for the purchase of
8 a nametag with the Sergeant-at-Arms.

9 **S10-130. Senate journal.** (1) The Senate shall keep and
10 authenticate a journal of its proceedings as required by law
11 and the rules.

12 (2) The Secretary of the Senate will supervise the
13 preparation of the journal under the direction of the
14 President.

15 (3) In addition to the proceedings required by law to
16 be recorded, the journal must include:

17 (a) committee reports;

18 (b) every motion, the name of the Senator presenting
19 it, and its disposition;

20 (c) the introduction of legislation in the Senate;

21 (d) consideration of legislation subsequent to
22 introduction;

23 (e) roll call votes;

24 (f) messages from the Governor and the House of
25 Representatives;

1 (g) every amendment, the name of the Senator presenting
2 it, and its disposition;

3 (h) the names of Senators and their votes on any
4 question upon a request by two Senators before a vote is
5 taken; and

6 (i) any other records the Senate directs by rule or
7 action.

8 (4) The Secretary of the Senate shall provide such
9 information as may be necessary for the preparation of the
10 daily journal for printing by the Legislative Council. Upon
11 approval by the President, the daily journal shall be
12 reproduced and distributed.

13 (5) Any Senator may examine the daily journal and
14 propose corrections. Without objection by the Senate, the
15 President may direct the correction to be made.

16 (6) The President shall authenticate the original daily
17 journal, from time to time, and the Secretary of the Senate
18 shall, as appropriate, deliver it to the Legislative Council
19 to be prepared for publication and distribution in
20 accordance with law.

21 Chapter 2

22 Decorum

23 **S20-10. Questions of order.** The President of the Senate
24 shall decide all questions of order, subject to an appeal by
25 any Senator seconded by two other Senators. No Senator may

1 speak more than once on an appeal without the consent of a
2 majority of the Senate.

3 **S20-20. Questions of privilege.** Questions of privilege
4 in order of precedence are those:

5 (1) affecting the collective rights, safety, dignity,
6 or integrity of the proceedings of the Senate; and

7 (2) affecting the rights, reputation, or conduct of
8 individual Senators in their capacity as Senators.

9 **S20-30. Recognition by chair.** A Senator desiring to
10 speak shall rise and address the presiding officer, and once
11 being recognized, shall speak standing in his or her place.
12 When two or more Senators rise at the same time, the
13 presiding officer shall name the order of the speakers. The
14 presiding officer may grant permission for a speaker to
15 leave his or her place to speak.

16 **S20-40. Senators called to order.** When a Senator has
17 been called to order, he shall sit down until the presiding
18 officer determines whether he is in order or not. If the
19 Senator is called to order for words spoken in debate, the
20 language excepted to shall be taken down in writing by the
21 Secretary of the Senate.

22 **S20-50. Communications to Senate.** A communication to
23 the Senate shall be addressed to the President and shall
24 bear the name of the person submitting it. The President
25 shall decide if the communication bears including in the

1 calendar.

2 **S20-60. Floor privileges.**

3 (1) When the Senate is in session no person is
4 permitted in the chambers except:

5 (a) legislators;

6 (b) legislative officers and employees whose presence
7 is necessary for the conduct of business of the session;

8 (c) accredited members of the news media; and

9 (d) former legislators (not currently registered as
10 lobbyists).

11 (2) The President may make exceptions for visiting
12 dignitaries.

13 (3) Beginning 1 hour before and ending one-half hour
14 after adjournment, no person is permitted in the chambers
15 except those authorized as exceptions under subsection (1).

16 **S20-70. Distribution of materials on floor.** No
17 materials may be distributed on the Senators' desks in the
18 chamber unless such material bears the signature of the
19 bearer and a Senator and has been approved by the President.

20 Chapter 3

21 Committees

22 **S30-10. Committee appointments.** (1) The Senate shall
23 elect a Committee on Committees consisting of five members.
24 If the Senate is evenly divided between parties, the
25 committee shall consist of six Senators, three from each

1 party.

2 (2) The Committee on Committees shall, with the
3 approval of the Senate, appoint the members of Senate
4 standing committees, select committees, and joint
5 committees.

6 (3) The President of the Senate shall appoint all
7 conference committees and special committees, with the
8 advice of the floor leaders.

9 (4) The Senate may change the membership of any
10 committee on 1 day's notice.

11 **S30-20. Standing committees.** The standing committees of
12 the Senate are as follows:

- 13 (1) Agriculture, Livestock, and Irrigation
- 14 (2) Bills and Journal
- 15 (3) Business and Industry
- 16 (4) Education and Cultural Resources
- 17 (5) Finance and Claims
- 18 (6) Fish and Game
- 19 (7) Highways and Transportation
- 20 (8) Judiciary
- 21 (9) Labor and Employment Relations
- 22 (10) Legislative Administration
- 23 (11) Local Government
- 24 (12) Natural Resources
- 25 (13) Public Health, Welfare, and Safety

1 (14) Rules

2 (15) State Administration

3 (16) Taxation

4 **S30-30. Members of Select Committee on Long-Range**
5 **Planning.** Members of the Select Committee on Long-Range
6 Planning may participate and vote as members of the
7 Committee on Finance and Claims on issues considered by them
8 as members of the select committee.

9 **S30-40. Ex officio members.** Each floor leader is an ex
10 officio member of all committees in order to establish a
11 quorum.

12 **S30-50. Chairman's duties.** (1) The chairman of a
13 committee is the presiding officer of that committee and is
14 responsible for maintaining order within the committee room
15 and its environs, scheduling hearings and executive action,
16 supervising committee work, and authenticating committee
17 reports and minutes by his signature.

18 (2) At the close of the session, the chairman shall
19 turn the original and two complete copies of the minutes
20 over to the Secretary of the Senate for distribution as
21 follows:

- 22 (a) original to the Montana Historical Society;
- 23 (b) copy to the State Law Library of Montana; and
- 24 (c) copy to the Legislative Council.

25 **S30-60. Committee reports to Senate.** (1) Reports of

1 standing committees shall be read on Order of Business No.
2 2, and no debate may be had on any report unless a minority
3 report has been submitted.

4 (2) Committee reports may recommend approval,
5 disapproval, or placement on consent calendar, with or
6 without amendment. They may not be reported to the Senate
7 without recommendation.

8 (3) Any Senator seeking a reconsideration of the
9 Senate's action on the adoption of a committee report shall
10 do so on Order of Business No. 6 by motion to reconsider.
11 Any Senator may make such motion and need not have voted on
12 the prevailing side. This rule applies notwithstanding any
13 joint rule to the contrary.

14 (4) The Rules Committee and conference committees may
15 report at any time, except during a call of the Senate or
16 when a vote is being taken.

17 S30-70. Pairs. Pairs in standing committee are
18 prohibited. Standing and select committees may by a majority
19 vote of the committee authorize Senators to vote in absentia
20 while engaged in other legislative business. Authorization
21 for such voting shall be reflected in the committee minutes.

22 S30-80. Committee hearings. (1) No bill or resolution
23 shall be considered or become a law unless referred to a
24 committee and returned therefrom.

25 (2) A bill may be rereferred at any time before its

1 passage.

2 S30-90. Notice of committee hearings -- exceptions. (1)
3 Notice of a committee hearing must be made by posting the
4 date, time, and subject of the hearing in a conspicuous
5 public place not less than 3 legislative days in advance of
6 the hearing. This 3-day notice requirement does not apply to
7 hearings scheduled:

8 (a) prior to the 3rd legislative day;

9 (b) less than 5 legislative days before the transmittal
10 deadline applicable to the subject of the hearing; or

11 (c) to consider confirmation of a gubernatorial
12 appointment received less than 10 legislative days before
13 the last scheduled day of a legislative session.

14 (2) When a committee hearing is scheduled with less
15 than 3 days' notice, the committee chairman shall use all
16 practical means to disseminate notice of the hearing to the
17 public.

18 (3) Notice of conference committee hearings must be
19 given as provided in Joint Rule 30-30.

20 S30-100. Majority/minority reports. If the members of a
21 committee cannot agree on a report, the majority and
22 minority of the committee present at a committee meeting may
23 submit separate reports. Only one minority report may be
24 submitted. Such reports shall be entered at length on the
25 journal, unless otherwise ordered by the Senate.

1 **S30-110. Consent calendar eligibility.** (1) To be
2 eligible for the consent calendar, legislation must receive
3 a unanimous vote by the members of the standing committee in
4 attendance (do pass, do pass as amended).

5 (2) A motion must be made and passed unanimously to
6 place the legislation on the consent calendar and this
7 action reflected in the committee report.

8 (3) Appropriations or revenue bills may not be
9 recommended for the consent calendar.

10 **S30-120. Reconsideration in committee.** Except for the
11 Committee of the Whole, a committee may at any time prior to
12 submitting a report to the Secretary of the Senate
13 reconsider its previous action on legislation.

14 **S30-130. Committee requested legislation.** (1) At least
15 three-fourths of all the members of a standing committee
16 must have voted in favor of the question to allow the
17 committee to request the introduction of legislation.

18 (2) The chairman of a committee shall introduce, or
19 shall designate a member of the committee to introduce,
20 legislation requested by the committee.

21 (3) When a committee has proposed an amendment, the
22 chairman is the principal sponsor.

23 Chapter 4

24 Legislation

25 **S40-10. Types of legislation.** The only types of

1 legislation that may be introduced in the Senate are those
2 that have been drafted and approved by the Legislative
3 Council and signed by a Senator. The types of legislation
4 allowed include:

5 (1) bills of any subject, except appropriations;

6 (2) joint resolutions, which may:

7 (a) express desire, opinion, sympathy, or request of
8 the Legislature;

9 (b) request an interim study by a legislative
10 subcommittee;

11 (c) adopt or amend the joint rules;

12 (d) set salaries and other terms of employment for
13 legislative employees; and

14 (e) accomplish other legislative duties required by
15 law; and

16 (3) simple resolutions, which may:

17 (a) adopt or amend Senate rules;

18 (b) provide for the internal affairs of the Senate;

19 (c) express confirmation of the Governor's
20 appointments;

21 (d) make recommendations concerning the districting and
22 apportionment plan as provided by Article V, section 14(4),
23 of the Montana Constitution.

24 **S40-20. Introduction.** (1) Upon receiving a bill or
25 resolution in triplicate from a Senator, the Secretary of

1 the Senate shall assign an appropriate sequential number,
2 which constitutes introduction of the legislation.

3 (2) Bills and resolutions may be preintroduced,
4 assigned to committee, and printed prior to the legislative
5 session. The Legislative Council shall be responsible for
6 assuring the preintroduction intent from each Senator and
7 presenting such legislation to the Secretary of the Senate.

8 (3) Upon referral to committee, the Secretary of the
9 Senate shall publicly post a listing of the bill or
10 resolution by a summary of its title, together with a
11 notation of the committee to which it has been assigned.

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

17 (2) Upon passage of the motion, the names of the
18 additional sponsors will be printed in the journal and the
19 form containing the signatures of the additional sponsors
20 will be forwarded to the Legislative Council with the
21 original bill for the inclusion of the names in subsequent
22 printings of the bill or resolution.

23 **S40-40. Reading limitations.** (1) Except for consent
24 calendar bills, every bill shall be read three times prior
25 to passage, either by title or by summary of title as

1 provided in these rules.

2 (2) No bill or resolution shall have more than one
3 reading on the same day except the last legislative day.

4 (3) No amendment may be offered on third reading.

5 **S40-50. Rules for questions requiring other than a**
6 **majority vote.** (1) When a question requires more than a
7 majority vote for final passage, a majority vote is
8 sufficient to decide any question relating to the question
9 prior to third reading.

10 (2) Any vote in the Senate on a bill proposing an
11 amendment to the Montana Constitution under circumstances in
12 which there exists the mathematical possibility of obtaining
13 the necessary two-thirds vote of the Legislature will cause
14 the bill to progress as though it had received the majority
15 vote.

16 (3) If a bill has been amended in the House of
17 Representatives and the amendments are accepted by the
18 Senate, the bill shall again be placed on third reading in
19 the Senate to determine if the required number of votes has
20 been cast.

21 **S40-60. Scheduling for second reading.** (1) All bills
22 and resolutions, except those recommended for the consent
23 calendar, which have been reported by a committee, accepted
24 by the Senate and reproduced shall be scheduled for
25 consideration by Committee of the Whole.

1 (2) Until the 50th legislative day, 1 day must elapse
2 between receiving the legislation from printing and
3 scheduling for second reading for consideration by Committee
4 of the Whole.

5 (3) Legislation shall be arranged on the agenda in
6 numerical order unless bills are grouped as companion bills
7 or are placed in order otherwise by the Senate or Committee
8 of the Whole.

9 S40-70. Consent calendar procedure. (1) Legislation
10 reported by committee for placement on the consent calendar
11 shall be sent to be processed and reproduced as a third
12 reading version and specifically marked as a "consent
13 calendar" item.

14 (2) Legislation shall be immediately posted (as soon as
15 it is received as a third reading version) on the consent
16 calendar and must remain there for 1 legislative day before
17 consideration under Order of Business No. 11, special orders
18 of the day. At that time, the President of the Senate will
19 announce consideration of the consent calendar and allow
20 "reasonable time" for questions and answers upon request. No
21 debate will be allowed.

22 (3) Any three Senators may submit written objections to
23 the Secretary of the Senate, and the legislation must then
24 be removed from the consent calendar and added to the
25 regular second reading agenda.

1 (4) Consent calendar legislation must be added to the
2 end of the third reading agenda and clearly identified as
3 "consent calendar" and voted on individually.

4 (5) Consent calendar legislation passed on third
5 reading will then be transmitted to the House of
6 Representatives.

7 Chapter 5

8 Floor Action

9 S50-10. Attendance. Unless excused, Senators shall be
10 present at every sitting of the Senate and shall vote on
11 questions put before the Senate.

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

- 15 (1) communications and petitions;
- 16 (2) reports of standing committees;
- 17 (3) reports of select committees;
- 18 (4) messages from the Governor;
- 19 (5) messages from the House of Representatives;
- 20 (6) motions;
- 21 (7) first reading and commitment of bills;
- 22 (8) second reading of bills (Committee of the Whole);
- 23 (9) third reading of bills and consent calendar bills;
- 24 (10) unfinished business;
- 25 (11) special orders of the day; and

(12) announcement of committee meetings.

To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the Senate shall revert to Order of Business No. 1 when reconvening after a recess.

S50-30. Limitations on debate. No Senator may speak more than twice on any one motion or question without unanimous consent of the Senate, unless he has introduced or proposed the motion or question under debate, in which case he may speak twice and also close the debate. However, a Senator who has spoken may not speak again on the same motion or question to the exclusion of a Senator who has not spoken.

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

(2) A motion may be withdrawn by the Senator offering it at any time before it is amended or voted upon.

S50-50. Precedence of motions. (1) When a question is under debate only the following privileged and subsidiary motions shall be made:

- (a) to adjourn;
- (b) for a call of the Senate;

(c) to recess;

(d) question of privilege;

(e) to lay on the table;

(f) for the previous question;

(g) to postpone to a certain day;

(h) to refer or commit;

(i) to amend; and

(j) to postpone indefinitely.

(2) The motions listed in subsection (1) of this section have precedence in the order listed.

(3) A question may be indefinitely postponed by a majority roll call of all Senators present and voting. When a bill or resolution is postponed indefinitely, it is finally rejected and may not be acted upon again during the biennium except upon a motion of reconsideration.

(4) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

S50-60. Nondebatable motions. The following motions are not debatable:

(1) to adjourn;

(2) for a call of the Senate;

(3) to recess;

(4) for parliamentary inquiry;

(5) for suspension of the rules;

1 (6) to lay on the table;

2 (7) for the previous question;

3 (8) to limit, extend the limits of, or to close debate;

4 (9) to amend an undebatable motion;

5 (10) to divide a question;

6 (11) to pass business in Committee of the Whole;

7 (12) to take from the table;

8 (13) a decision of the presiding officer, unless
9 appealed or unless he submits the question to the Senate for
10 advice or decision; and

11 (14) all incidental motions, such as motions relating to
12 voting or other questions of a general procedural nature.

13 **S50-70. Amending motions.** No more than one amendment
14 and no more than one substitute motion may be made to a
15 motion. This rule permits the main motion and two modifying
16 motions.

17 **S50-80. Previous question.** (1) Except as provided in
18 subsection (2) of this rule, the effect of calling for the
19 previous question, if adopted, is to close debate
20 immediately, to prevent the offering of amendments or other
21 subsidiary motions, and to bring to vote promptly the
22 immediately pending main question and the adhering
23 subsidiary motions, whether on appeal or otherwise.

24 (2) When the previous question is ordered on any
25 debatable question on which there has been no debate, the

1 question may be debated for one-half hour, one-half of such
2 time to be given to the proponents and one-half to the
3 opponents.

4 (3) A call of the Senate is not in order after the
5 previous question is ordered unless it appears upon an
6 actual count by the presiding officer that a quorum is not
7 present.

8 **S50-90. Reconsideration.** (1) Any Senator may, on the
9 day the vote was taken or on the next day the Senate is in
10 session, move to reconsider the question.

11 (2) A motion to reconsider may not be withdrawn after
12 such next legislative day without the unanimous consent of
13 the Senate, and thereafter any Senator may call it up for
14 consideration; however, a motion to reconsider made after
15 the 54th day of the session shall be disposed of when made.

16 (3) A motion to recall a bill from the House of
17 Representatives constitutes notice to reconsider and shall
18 be acted on as a motion to reconsider. A motion to
19 reconsider or to recall a bill from the House of
20 Representatives may be made only under Order of Business No.
21 6 and, under that order of business, takes precedence over
22 all motions except motions to recess or adjourn.

23 (4) When a motion to reconsider is laid on the table,
24 a two-thirds majority is required to take it from the table.
25 When a motion to reconsider fails, the question is finally

1 and conclusively settled.

2 (5) If a motion to reconsider third reading action is
3 carried, there shall be no further action until the
4 succeeding legislative day.

5 S50-100. Dividing a question. A Senator may move to
6 divide a question if it includes two or more propositions so
7 distinct in substance that if one thing is taken away a
8 substantive question will remain.

9 S50-110. Conference committee reports. When a
10 conference committee report is filed with the Secretary of
11 the Senate, the same shall be read under Order of Business
12 No. 3, select committees, and placed on the calendar the
13 succeeding legislative day for consideration on second
14 reading. If recommended favorably by the Committee of the
15 Whole, it may be considered on third reading the same
16 legislative day.

17 S50-120. Second reading. (1) The Senate may resolve
18 itself into a Committee of the Whole for consideration of
19 business on second reading, by approval of a motion for that
20 purpose.

21 (2) After a Committee of the Whole has been formed, the
22 President shall appoint a chairman to preside.

23 (3) All legislation considered in Committee of the
24 Whole shall be read by a summary of its title. Proposed
25 amendments shall be considered; then the bill shall be

1 considered in its entirety.

2 (4) Prior to adoption of the Committee of the Whole
3 report, a Senator may move to segregate legislation. If the
4 motion prevails, the legislation remains on second reading.

5 (5) When a Committee of the Whole report on legislation
6 is rejected, the legislation shall remain on second reading.

7 S50-130. Committee of the Whole amendments. (1) All
8 Committee of the Whole amendments shall be prepared,
9 stipulating the date and time of preparation and staff
10 approval, and delivered to the Secretary of the Senate for
11 reading before the amendment is voted on.

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

15 S50-140. Motions in Committee of the Whole. (1) All
16 proper motions on second reading are debatable.

17 (2) The only motions in order during Committee of the
18 Whole are to:

- 19 (a) amend;
- 20 (b) recommend passage or nonpassage;
- 21 (c) recommend concurrence or nonconcurrence;
- 22 (d) indefinitely postpone;
- 23 (e) pass consideration;
- 24 (f) rise;
- 25 (g) rise and report; or

1 (h) rise and report progress and ask leave to sit
2 again.

3 S50-150. Committee of the Whole -- generally. (1) The
4 committee may not appoint subcommittees.

5 (2) The committee may not punish its members for
6 misconduct, but may report disorder to the Senate.

7 S50-160. Voting on second reading. On Order of Business
8 No. 8, in addition to other methods, a recorded vote may be
9 made in the following manner: the chair may call for a voice
10 vote to accept or reject a question. If the vote is other
11 than unanimous, the chair may ask that the lesser number on
12 the question indicate their vote by standing. The Secretary
13 will then record the vote of those standing. The chair may
14 then rule that unless excused those not standing and present
15 have voted on the prevailing side of the question and that
16 their vote be recorded as such. If there was a unanimous
17 voice vote, all those present will be recorded as having
18 voted for the question.

19 S50-170. Third reading procedure. (1) All legislation
20 passing second reading shall be placed on third reading the
21 day following the receipt of the engrossing or other
22 appropriate printing report.

23 (2) On Order of Business No. 9 the Secretary shall read
24 the title and the President shall state the question as
25 follows: "Senate bill number (or other appropriate

1 identification)..... having been read three several times,
2 the question is, shall the bill (or other appropriate
3 identification) pass the Senate?"

4 (3) If an electronic voting system is used, the
5 President shall state "Those in favor vote yes and those
6 opposed vote no" and the Secretary will sound the signal and
7 open the board for voting. After a reasonable pause the
8 presiding officer asks "Has every member voted?" (reasonable
9 pause), "Does any member wish to change his or her vote?"
10 (reasonable pause), "The Secretary will record the vote."

11 S50-180. Senate voting. (1) A roll call vote shall be
12 taken on the request of two Senators, if the request occurs
13 before the vote is taken.

14 (2) On a roll call vote the names of the Senators shall
15 be called alphabetically, unless an electronic voting system
16 is used. A Senator may not vote or change his vote after the
17 decision is announced from the chair. A Senator may not
18 explain his vote until after the decision is announced from
19 the chair.

20 S50-190. Pairs. (1) Two Senators may pair on a question
21 that will be determined by a majority vote. On a question
22 requiring a two-thirds vote for adoption, three Senators may
23 pair, with two Senators for the question and one Senator
24 against. Pairing is permitted only when one of the paired
25 Senators is excused when the vote is taken.

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

8 (3) Pairs in Committee of the Whole are prohibited.

9 S50-200. Call of the Senate. (1) In the absence of a
10 quorum, a majority of Senators present may compel the
11 attendance of absent Senators by ordering a call of the
12 Senate.

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

15 (3) On a call of the Senate, a Senator who refuses to
16 attend may be arrested by the Sergeant-at-Arms or any other
17 person, as the majority of such Senators present shall
18 direct. When the attendance of an absent Senator is secured
19 and the Senate refuses to excuse the Senator's absence, the
20 Senator shall not be paid any expense payments during his
21 absence and is liable for the expenses incurred in procuring
22 his attendance.

23 (4) During a call of the Senate, all business shall be
24 suspended. After a call has been ordered, no motion is in
25 order except a motion to adjourn or remove the call. The

1 call may be removed by a two-thirds vote.

2 Chapter 6

3 Rules

4 S60-10. Senate rules. (1) A motion to amend or adopt a
5 rule of the Senate shall be referred to the Rules Committee
6 without debate. A rule of the Senate may be amended or
7 adopted only with the concurrence of a majority of the
8 Senate and after 1 day's notice.

9 (2) A rule may be suspended temporarily by a two-thirds
10 vote.

11 S60-20. Mason's Manual of Legislative Procedure.
12 Mason's Manual of Legislative Procedure (1989) governs the
13 proceedings of the Senate in all cases not covered by these
14 rules.

15 S60-30. Quorum. A majority of the Senate shall
16 constitute a quorum to do business, but a smaller number may
17 adjourn from day to day and compel the attendance of absent
18 Senators, in such manner and under such penalties as the
19 Senate may prescribe (Montana Constitution, Art. V, Sec.
20 10(2)).

21 Chapter 7

22 Nominations from the Governor

23 S70-10. Nominations. (1) The Governor shall nominate
24 and, by and with the consent of the Senate, appoint all
25 officers whose offices are established by the Montana

1 Constitution or which may be created by law and for whom
2 appointment or election is not otherwise provided.

3 (2) If during a recess of the Senate a vacancy occurs
4 in any such office, the Governor shall appoint some fit
5 person to discharge the duties thereof until the next
6 meeting of the Senate, when he shall nominate a person to
7 fill such office.

8 **S70-20. Introduction and first reading of nominations.**

9 (1) Nominations received from the Governor are:

10 (a) received by the President;

11 (b) delivered to the Secretary of the Senate;

12 (c) read under Order of Business No. 4, messages from
13 the Governor; and

14 (d) referred to committee.

15 (2) The above procedure constitutes introduction and
16 first reading of the nominations.

17 (3) The Secretary shall distribute a copy of the list
18 of nominations to each Senator.

19 **S70-30. Committee process.** (1) (a) The committee shall
20 hold hearings on the nominations after appropriate public
21 notice has been made.

22 (b) As part of the hearing process, the committee may
23 request biographical information from the Governor for each
24 nominee, if none has been provided.

25 (2) Following the hearings, the committee shall issue

1 preliminary standing committee reports to be distributed to
2 each Senator, stating the committee's recommendations
3 concerning the nominees.

4 (3) (a) If a Senator wishes to have an individual
5 nominee, or group of nominees, considered by the Senate
6 separately from the group of nominees recommended by the
7 committee, the Senator may request of the chairman of the
8 committee that the nominee or nominees be considered by a
9 separate resolution.

10 (b) A Senator must request separate consideration of a
11 nominee within 3 days of receipt of the preliminary standing
12 committee report. The committee chairman shall honor this
13 request.

14 (4) After waiting 3 days from the day of distribution
15 of the preliminary standing committee report, the committee
16 chairman shall issue formal standing committee reports for
17 simple resolutions based on recommendations from the
18 Senators and deliver the reports to the Secretary of the
19 Senate.

20 (5) The Secretary will assign numbers and read the
21 reports under Order of Business No. 2, reports of standing
22 committees, and forward them to the Legislative Council for
23 processing and printing.

24 (6) Thereafter, the resolution must be placed on Order
25 of Business No. 11 the next legislative day for

1 consideration by the Senate. Motions to approve or
2 disapprove of the resolution are in order and may be
3 debated.

4 **Appendix A**

5 **List of Questions Requiring Other Than a Majority Vote**

6 The following questions require the vote specified:

- 7 (1) a call of the Senate with a quorum (five Senators);
8 (2) a motion to lift a call of the Senate (two-thirds
9 of the members present and voting);
10 (3) a motion to amend or suspend rules (two-thirds);
11 (4) a motion to override the Governor's veto
12 (two-thirds);
13 (5) a motion to approve a bill to appropriate the
14 principal of the coal trust fund (three-fourths of each
15 house);
16 (6) a motion to approve a bill to appropriate highway
17 revenue as described in Article VIII, section 6, of the
18 Montana Constitution for purposes other than therein
19 described (three-fifths of each house);
20 (7) a motion to approve a bill proposing to amend the
21 Montana Constitution (two-thirds of the entire Legislature);
22 and
23 (8) an appeal of the ruling of the presiding officer
24 (one Senator, seconded by two other Senators).

-End-

APPROVED BY COMMITTEE
ON RULES

SENATE RESOLUTION NO. 1

INTRODUCED BY VAN VALKENBURG

BY REQUEST OF THE SENATE RULES COMMITTEE

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA TO ADOPT
RULES TO GOVERN ITS PROCEEDINGS.

BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the following rules be adopted:

Chapter 1

Administration

S10-10. Officers of the Senate. The officers of the Senate are the officers listed and elected in accordance with Title 5, chapter 2, part 2, MCA.

S10-20. Term of office. The term of office for the officers and employees of the Senate established by law shall be until the succeeding Legislature is organized. Nothing in this rule shall be construed to mean the staff will be full-time employees during an interim.

S10-30. President pro tempore and other officers. (1) The Senate shall, at the beginning of each regular session, and at such other times as may be necessary, elect a Senator President pro tempore.

(2) The Senate shall choose its other officers and shall be the judge of the elections, returns, and

qualifications of the Senators.

S10-40. Voting by presiding officer. Any Senator, when acting as presiding officer of the Senate, shall vote as any other Senator.

S10-50. Presiding officer and duties. (1) The presiding officer of the Senate shall be the President of the Senate who shall be chosen in accordance with law.

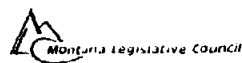
(2) The President shall take the chair on every legislative day at the hour to which the Senate adjourned at the last sitting.

(3) The President may name a Senator to perform the duties of the chair when the President pro tempore is not present in the Senate chamber. The Senator who is named is vested during such time with all the powers of the President.

(4) The President shall have general control over the assignment of rooms for the Senate and shall preserve order and decorum. The President may order the galleries and lobbies cleared in case of disturbance or disorderly conduct.

(5) The President shall issue cards to the media to allow floor access, and reporters holding such passes shall be subject to placement on the floor by the President. The President may administer this rule through the office of the Secretary of the Senate.

SECOND READING



1 (6) The President shall sign all necessary
2 certifications of the Senate, including enrolled bills and
3 resolutions, journals, subpoenas, and payrolls. His
4 signature must be attested by the Secretary of the Senate.

5 (7) The President shall approve the calendar for each
6 legislative day.

7 (8) The President is the chief administrative officer
8 of the Senate, with authority for the general supervision of
9 all Senate employees. The President may seek the advice and
10 counsel of the Legislative Administration Committee.

11 (9) The President of the Senate is the authorized
12 approving authority of the Senate during the term of
13 election to that office.

14 (10) The President shall refer bills to committee upon
15 introduction or reception in the office of the Secretary of
16 the Senate.

17 **S10-60. Succession.** In case of the absence or
18 disqualification of the President, the President pro tempore
19 of the Senate shall perform the duties of the President
20 until the vacancy is filled or the disability removed.

21 (2) Whenever the President pro tempore of the Senate is
22 of the opposite political party from that of the President,
23 the following procedure applies:

24 (a) If the President dies while in office, the members
25 of his political party shall have the right to immediately

1 nominate and elect an acting President of the same party.

2 (b) If the President is absent for two or more
3 legislative days or at any time after the 85th legislative
4 day or at any time during special session of the Legislature
5 but able and desirous of appointing an acting President to
6 act in his absence, he may do so, or the members of his
7 political party shall have the right to immediately nominate
8 and elect an acting President of the same party.

9 (c) An acting President of the Senate shall have the
10 powers of the President and supersede the powers of the
11 President pro tempore.

12 **S10-70. President-elect.** The President-elect nominated
13 by the appropriate party caucus held in accordance with
14 section 5-2-201, MCA, shall have the responsibility and
15 authority to assume the duties of President of the Senate.

16 **S10-80. Legislative Administration Committee duties.**

17 (1) The Legislative Administration Committee shall consider
18 matters relating to legislative administration, staffing
19 patterns, budgets, equipment, operations, and expenditures.

20 (2) The committee shall have authority to act in the
21 interim to prepare for future legislative sessions.

22 (3) The committee shall approve contracts for purchase
23 or lease of equipment and supplies for the Senate, subject
24 to the approval of the President.

25 (4) The committee shall consider disputes or complaints

1 involving the competency or decorum of legislative employees
2 referred to it by the President and recommend dismissal,
3 suspension and/or retention of such employees.

4 (5) The chairman of the Legislative Administration
5 Committee may, upon approval of the President, have purchase
6 orders and requisitions prepared and forwarded to the
7 accounting office in the Legislative Council.

8 **S10-90. Senate employees.** (1) In addition to the
9 employees appointed by the President in accordance with
10 section 5-2-221, MCA, the Senate shall employ staff
11 recommended by the leadership and the Legislative
12 Administration Committee as necessary to perform the
13 functions of the Senate.

14 (2) Standing committee chairmen shall designate a
15 secretary to take and transcribe minutes of committee
16 meetings. A committee secretary is immediately responsible
17 to the chairman, but shall work under the overall direction
18 of the Secretary of the Senate, subject to authority of the
19 committee chairman.

20 (3) (a) The President and floor leaders may each
21 appoint a private secretary.

22 (b) The whips may each appoint a private secretary
23 whose duties will include assisting other staff on an
24 assigned basis when authorized by their respective whip.

25 **S10-100. Secretary of the Senate and duties.** The

1 Secretary of the Senate works under the direction of the
2 President. The responsibilities of the Secretary of the
3 Senate include:

4 (1) performing the duties prescribed by law or other
5 provisions of these rules;

6 (2) serving as parliamentary advisor to the Senate;

7 (3) compiling and maintaining the calendar for approval
8 by the President;

9 (4) keeping the leadership informed on the progress and
10 workload of the Senate;

11 (5) transmitting bills with appropriate messages to the
12 House of Representatives as instructed by action of the
13 Senate;

14 (6) keeping and maintaining records of the Senate; and

15 (7) supervision of the Senate employees, except as
16 otherwise provided.

17 **S10-110. Sergeant-at-Arms duties.** Under the direction
18 of the President, the Sergeant-at-Arms shall:

19 (1) maintain order as directed by the President or
20 chairman of the Committee of the Whole;

21 (2) enforce the lobbying rules of the Senate;

22 (3) supervise the employees assigned to his office;

23 (4) receive, distribute, and maintain supplies,
24 equipment, and other inventory of the Senate, along with
25 records of purchase and disposal in accordance with law;

1 (5) perform such duties as required by other rules and
2 the Senate.

3 S10-120. Legislative aides. Each Senator may designate
4 one person of legal age to serve as an aide during the
5 session. Exceptions to this policy may be approved by the
6 rules committee. The Senator shall register his aide with
7 the Secretary of the Senate and arrange for the purchase of
8 a nametag with the Sergeant-at-Arms.

9 S10-130. Senate journal. (1) The Senate shall keep and
10 authenticate a journal of its proceedings as required by law
11 and the rules.

12 (2) The Secretary of the Senate will supervise the
13 preparation of the journal under the direction of the
14 President.

15 (3) In addition to the proceedings required by law to
16 be recorded, the journal must include:

- 17 (a) committee reports;
- 18 (b) every motion, the name of the Senator presenting
19 it, and its disposition;
- 20 (c) the introduction of legislation in the Senate;
- 21 (d) consideration of legislation subsequent to
22 introduction;
- 23 (e) roll call votes;
- 24 (f) messages from the Governor and the House of
25 Representatives;

1 (g) every amendment, the name of the Senator presenting
2 it, and its disposition;

3 (h) the names of Senators and their votes on any
4 question upon a request by two Senators before a vote is
5 taken; and

6 (i) any other records the Senate directs by rule or
7 action.

8 (4) The Secretary of the Senate shall provide such
9 information as may be necessary for the preparation of the
10 daily journal for printing by the Legislative Council. Upon
11 approval by the President, the daily journal shall be
12 reproduced and distributed.

13 (5) Any Senator may examine the daily journal and
14 propose corrections. Without objection by the Senate, the
15 President may direct the correction to be made.

16 (6) The President shall authenticate the original daily
17 journal, from time to time, and the Secretary of the Senate
18 shall, as appropriate, deliver it to the Legislative Council
19 to be prepared for publication and distribution in
20 accordance with law.

21 Chapter 2

22 Decorum

23 S20-10. Questions of order. The President of the Senate
24 shall decide all questions of order, subject to an appeal by
25 any Senator seconded by two other Senators. No Senator may

1 speak more than once on an appeal without the consent of a
2 majority of the Senate.

3 S20-20. Questions of privilege. Questions of privilege
4 in order of precedence are those:

5 (1) affecting the collective rights, safety, dignity,
6 or integrity of the proceedings of the Senate; and

7 (2) affecting the rights, reputation, or conduct of
8 individual Senators in their capacity as Senators.

9 S20-30. Recognition by chair. A Senator desiring to
10 speak shall rise and address the presiding officer, and once
11 being recognized, shall speak standing in his or her place.
12 When two or more Senators rise at the same time, the
13 presiding officer shall name the order of the speakers. The
14 presiding officer may grant permission for a speaker to
15 leave his or her place to speak.

16 S20-40. Senators called to order. When a Senator has
17 been called to order, he shall sit down until the presiding
18 officer determines whether he is in order or not. If the
19 Senator is called to order for words spoken in debate, the
20 language excepted to shall be taken down in writing by the
21 Secretary of the Senate.

22 S20-50. Communications to Senate. A communication to
23 the Senate shall be addressed to the President and shall
24 bear the name of the person submitting it. The President
25 shall decide if the communication bears including in the

1 calendar.

2 S20-60. Floor privileges.

3 (1) When the Senate is in session no person is
4 permitted in the chambers except:

5 (a) legislators;

6 (b) legislative officers and employees whose presence
7 is necessary for the conduct of business of the session;

8 (c) accredited members of the news media; and

9 (d) former legislators (not currently registered as
10 lobbyists).

11 (2) The President may make exceptions for visiting
12 dignitaries.

13 (3) Beginning 1 hour before and ending one-half hour
14 after adjournment, no person is permitted in the chambers
15 except those authorized as exceptions under subsection (1).

16 S20-70. Distribution of materials on floor. No
17 materials may be distributed on the Senators' desks in the
18 chamber unless such material bears the signature of the
19 bearer and a Senator and has been approved by the President.

20 Chapter 3

21 Committees

22 S30-10. Committee appointments. (1) The Senate shall
23 elect a Committee on Committees consisting of five members.
24 If the Senate is evenly divided between parties, the
25 committee shall consist of six Senators, three from each

1 party.

2 (2) The Committee on Committees shall, with the
3 approval of the Senate, appoint the members of Senate
4 standing committees, select committees, and joint
5 committees.

6 (3) The President of the Senate shall appoint all
7 conference committees and special committees, with the
8 advice of the floor leaders.

9 (4) The Senate may change the membership of any
10 committee on 1 day's notice.

11 S30-20. Standing committees. The standing committees of
12 the Senate are as follows:

- 13 (1) Agriculture, Livestock, and Irrigation
- 14 (2) Bills and Journal
- 15 (3) Business and Industry
- 16 (4) Education and Cultural Resources
- 17 (5) Finance and Claims
- 18 (6) Fish and Game
- 19 (7) Highways and Transportation
- 20 (8) Judiciary
- 21 (9) Labor and Employment Relations
- 22 (10) Legislative Administration
- 23 (11) Local Government
- 24 (12) Natural Resources
- 25 (13) Public Health, Welfare, and Safety

1 (14) Rules

2 (15) State Administration

3 (16) Taxation

4 S30-30. Members of Select Committee on Long-Range
5 Planning. Members of the Select Committee on Long-Range
6 Planning may participate and vote as members of the
7 Committee on Finance and Claims on issues considered by them
8 as members of the select committee.

9 S30-40. Ex officio members. Each floor leader is an ex
10 officio member of all committees in order to establish a
11 quorum.

12 S30-50. Chairman's duties. (1) The chairman of a
13 committee is the presiding officer of that committee and is
14 responsible for maintaining order within the committee room
15 and its environs, scheduling hearings and executive action,
16 supervising committee work, and authenticating committee
17 reports and minutes by his signature.

18 (2) At the close of the session, the chairman shall
19 turn the original and two complete copies of the minutes
20 over to the Secretary of the Senate for distribution as
21 follows:

- 22 (a) original to the Montana Historical Society;
- 23 (b) copy to the State Law Library of Montana; and
- 24 (c) copy to the Legislative Council.

25 S30-60. Committee reports to Senate. (1) Reports of

1 standing committees shall be read on Order of Business No.
2 2, and no debate may be had on any report unless a minority
3 report has been submitted.

4 (2) Committee reports may recommend approval,
5 disapproval, or placement on consent calendar, with or
6 without amendment. They may not be reported to the Senate
7 without recommendation.

8 (3) Any Senator seeking a reconsideration of the
9 Senate's action on the adoption of a committee report shall
10 do so on Order of Business No. 6 by motion to reconsider.
11 Any Senator may make such motion and need not have voted on
12 the prevailing side. This rule applies notwithstanding any
13 joint rule to the contrary.

14 (4) The Rules Committee and conference committees may
15 report at any time, except during a call of the Senate or
16 when a vote is being taken.

17 S30-70. Pairs. Pairs in standing committee are
18 prohibited. Standing and select committees may by a majority
19 vote of the committee authorize Senators to vote in absentia
20 while engaged in other legislative business. Authorization
21 for such voting shall be reflected in the committee minutes.

22 S30-80. Committee hearings. (1) No bill or resolution
23 shall be considered or become a law unless referred to a
24 committee and returned therefrom.

25 (2) A bill may be rereferred at any time before its

1 passage.

2 S30-90. Notice of committee hearings -- exceptions. (1)
3 Notice of a committee hearing must be made by posting the
4 date, time, and subject of the hearing in a conspicuous
5 public place not less than 3 legislative days in advance of
6 the hearing. This 3-day notice requirement does not apply to
7 hearings scheduled:

8 (a) prior to the 3rd legislative day;

9 (b) less than 5 legislative days before the transmittal
10 deadline applicable to the subject of the hearing; or

11 (c) to consider confirmation of a gubernatorial
12 appointment received less than 10 legislative days before
13 the last scheduled day of a legislative session.

14 (2) When a committee hearing is scheduled with less
15 than 3 days' notice, the committee chairman shall use all
16 practical means to disseminate notice of the hearing to the
17 public.

18 (3) Notice of conference committee hearings must be
19 given as provided in Joint Rule 30-30.

20 S30-100. Majority/minority reports. If the members of a
21 committee cannot agree on a report, the majority and
22 minority of the committee present at a committee meeting may
23 submit separate reports. Only one minority report may be
24 submitted. Such reports shall be entered at length on the
25 journal, unless otherwise ordered by the Senate.

1 S30-110. Consent calendar eligibility. (1) To be
2 eligible for the consent calendar, legislation must receive
3 a unanimous vote by the members of the standing committee in
4 attendance (do pass, do pass as amended).

5 (2) A motion must be made and passed unanimously to
6 place the legislation on the consent calendar and this
7 action reflected in the committee report.

8 (3) Appropriations or revenue bills may not be
9 recommended for the consent calendar.

10 S30-120. Reconsideration in committee. Except for the
11 Committee of the Whole, a committee may at any time prior to
12 submitting a report to the Secretary of the Senate
13 reconsider its previous action on legislation.

14 S30-130. Committee requested legislation. (1) At least
15 three-fourths of all the members of a standing committee
16 must have voted in favor of the question to allow the
17 committee to request the introduction of legislation.

18 (2) The chairman of a committee shall introduce, or
19 shall designate a member of the committee to introduce,
20 legislation requested by the committee.

21 (3) When a committee has proposed an amendment, the
22 chairman is the principal sponsor.

23 Chapter 4

24 Legislation

25 S40-10. Types of legislation. The only types of

1 legislation that may be introduced in the Senate are those
2 that have been drafted and approved by the Legislative
3 Council and signed by a Senator. The types of legislation
4 allowed include:

5 (1) bills of any subject, except appropriations;

6 (2) joint resolutions, which may:

7 (a) express desire, opinion, sympathy, or request of
8 the Legislature;

9 (b) request an interim study by a legislative
10 subcommittee;

11 (c) adopt or amend the joint rules;

12 (d) set salaries and other terms of employment for
13 legislative employees; and

14 (e) accomplish other legislative duties required by
15 law; and

16 (3) simple resolutions, which may:

17 (a) adopt or amend Senate rules;

18 (b) provide for the internal affairs of the Senate;

19 (c) express confirmation of the Governor's
20 appointments;

21 (d) make recommendations concerning the districting and
22 apportionment plan as provided by Article V, section 14(4),
23 of the Montana Constitution.

24 S40-20. Introduction. (1) Upon receiving a bill or
25 resolution in triplicate from a Senator, the Secretary of

1 the Senate shall assign an appropriate sequential number,
2 which constitutes introduction of the legislation.

3 (2) Bills and resolutions may be preintroduced,
4 assigned to committee, and printed prior to the legislative
5 session. The Legislative Council shall be responsible for
6 assuring the preintroduction intent from each Senator and
7 presenting such legislation to the Secretary of the Senate.

8 (3) Upon referral to committee, the Secretary of the
9 Senate shall publicly post a listing of the bill or
10 resolution by a summary of its title, together with a
11 notation of the committee to which it has been assigned.

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

17 (2) Upon passage of the motion, the names of the
18 additional sponsors will be printed in the journal and the
19 form containing the signatures of the additional sponsors
20 will be forwarded to the Legislative Council with the
21 original bill for the inclusion of the names in subsequent
22 printings of the bill or resolution.

23 **S40-40. Reading limitations.** (1) Except for consent
24 calendar bills, every bill shall be read three times prior
25 to passage, either by title or by summary of title as

1 provided in these rules.

2 (2) No bill or resolution shall have more than one
3 reading on the same day except the last legislative day.

4 (3) No amendment may be offered on third reading.

5 **S40-50. Rules for questions requiring other than a**
6 **majority vote.** (1) When a question requires more than a
7 majority vote for final passage, a majority vote is
8 sufficient to decide any question relating to the question
9 prior to third reading.

10 (2) Any vote in the Senate on a bill proposing an
11 amendment to the Montana Constitution under circumstances in
12 which there exists the mathematical possibility of obtaining
13 the necessary two-thirds vote of the Legislature will cause
14 the bill to progress as though it had received the majority
15 vote.

16 (3) If a bill has been amended in the House of
17 Representatives and the amendments are accepted by the
18 Senate, the bill shall again be placed on third reading in
19 the Senate to determine if the required number of votes has
20 been cast.

21 **S40-60. Scheduling for second reading.** (1) All bills
22 and resolutions, except those recommended for the consent
23 calendar, which have been reported by a committee, accepted
24 by the Senate and reproduced shall be scheduled for
25 consideration by Committee of the Whole.

1 (2) Until the 50th legislative day, 1 day must elapse
2 between receiving the legislation from printing and
3 scheduling for second reading for consideration by Committee
4 of the Whole.

5 (3) Legislation shall be arranged on the agenda in
6 numerical order unless bills are grouped as companion bills
7 or are placed in order otherwise by the Senate or Committee
8 of the Whole.

9 S40-70. Consent calendar procedure. (1) Legislation
10 reported by committee for placement on the consent calendar
11 shall be sent to be processed and reproduced as a third
12 reading version and specifically marked as a "consent
13 calendar" item.

14 (2) Legislation shall be immediately posted (as soon as
15 it is received as a third reading version) on the consent
16 calendar and must remain there for 1 legislative day before
17 consideration under Order of Business No. 11, special orders
18 of the day. At that time, the President of the Senate will
19 announce consideration of the consent calendar and allow
20 "reasonable time" for questions and answers upon request. No
21 debate will be allowed.

22 (3) Any three Senators may submit written objections to
23 the Secretary of the Senate, and the legislation must then
24 be removed from the consent calendar and added to the
25 regular second reading agenda.

1 (4) Consent calendar legislation must be added to the
2 end of the third reading agenda and clearly identified as
3 "consent calendar" and voted on individually.

4 (5) Consent calendar legislation passed on third
5 reading will then be transmitted to the House of
6 Representatives.

7 Chapter 5

8 Floor Action

9 S50-10. Attendance. Unless excused, Senators shall be
10 present at every sitting of the Senate and shall vote on
11 questions put before the Senate.

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

- 15 (1) communications and petitions;
- 16 (2) reports of standing committees;
- 17 (3) reports of select committees;
- 18 (4) messages from the Governor;
- 19 (5) messages from the House of Representatives;
- 20 (6) motions;
- 21 (7) first reading and commitment of bills;
- 22 (8) second reading of bills (Committee of the Whole);
- 23 (9) third reading of bills and consent calendar bills;
- 24 (10) unfinished business;
- 25 (11) special orders of the day; and

(12) announcement of committee meetings.

To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the Senate shall revert to Order of Business No. 1 when reconvening after a recess.

S50-30. Limitations on debate. No Senator may speak more than twice on any one motion or question without unanimous consent of the Senate, unless he has introduced or proposed the motion or question under debate, in which case he may speak twice and also close the debate. However, a Senator who has spoken may not speak again on the same motion or question to the exclusion of a Senator who has not spoken.

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

(2) A motion may be withdrawn by the Senator offering it at any time before it is amended or voted upon.

S50-50. Precedence of motions. (1) When a question is under debate only the following privileged and subsidiary motions shall be made:

- (a) to adjourn;
- (b) for a call of the Senate;

(c) to recess;

(d) question of privilege;

(e) to lay on the table;

(f) for the previous question;

(g) to postpone to a certain day;

(h) to refer or commit;

(i) to amend; and

(j) to postpone indefinitely.

(2) The motions listed in subsection (1) of this section have precedence in the order listed.

(3) A question may be indefinitely postponed by a majority roll call of all Senators present and voting. When a bill or resolution is postponed indefinitely, it is finally rejected and may not be acted upon again during the biennium except upon a motion of reconsideration.

(4) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

S50-60. Nondebatable motions. The following motions are not debatable:

(1) to adjourn;

(2) for a call of the Senate;

(3) to recess;

(4) for parliamentary inquiry;

(5) for suspension of the rules;

1 (6) to lay on the table;

2 (7) for the previous question;

3 (8) to limit, extend the limits of, or to close debate;

4 (9) to amend an undebatable motion;

5 (10) to divide a question;

6 (11) to pass business in Committee of the Whole;

7 (12) to take from the table;

8 (13) a decision of the presiding officer, unless
9 appealed or unless he submits the question to the Senate for
10 advice or decision; and

11 (14) all incidental motions, such as motions relating to
12 voting or other questions of a general procedural nature.

13 §50-70. Amending motions. No more than one amendment
14 and no more than one substitute motion may be made to a
15 motion. This rule permits the main motion and two modifying
16 motions.

17 §50-80. Previous question. (1) Except as provided in
18 subsection (2) of this rule, the effect of calling for the
19 previous question, if adopted, is to close debate
20 immediately, to prevent the offering of amendments or other
21 subsidiary motions, and to bring to vote promptly the
22 immediately pending main question and the adhering
23 subsidiary motions, whether on appeal or otherwise.

24 (2) When the previous question is ordered on any
25 debatable question on which there has been no debate, the

1 question may be debated for one-half hour, one-half of such
2 time to be given to the proponents and one-half to the
3 opponents.

4 (3) A call of the Senate is not in order after the
5 previous question is ordered unless it appears upon an
6 actual count by the presiding officer that a quorum is not
7 present.

8 §50-90. Reconsideration. (1) Any Senator may, on the
9 day the vote was taken or on the next day the Senate is in
10 session, move to reconsider the question.

11 (2) A motion to reconsider may not be withdrawn after
12 such next legislative day without the unanimous consent of
13 the Senate, and thereafter any Senator may call it up for
14 consideration; however, a motion to reconsider made after
15 the 54th day of the session shall be disposed of when made.

16 (3) A motion to recall a bill from the House of
17 Representatives constitutes notice to reconsider and shall
18 be acted on as a motion to reconsider. A motion to
19 reconsider or to recall a bill from the House of
20 Representatives may be made only under Order of Business No.
21 6 and, under that order of business, takes precedence over
22 all motions except motions to recess or adjourn.

23 (4) When a motion to reconsider is laid on the table,
24 a two-thirds majority is required to take it from the table.
25 When a motion to reconsider fails, the question is finally

1 and conclusively settled.

2 (5) If a motion to reconsider third reading action is
3 carried, there shall be no further action until the
4 succeeding legislative day.

5 S50-100. Dividing a question. A Senator may move to
6 divide a question if it includes two or more propositions so
7 distinct in substance that if one thing is taken away a
8 substantive question will remain.

9 S50-110. Conference committee reports. When a
10 conference committee report is filed with the Secretary of
11 the Senate, the same shall be read under Order of Business
12 No. 3, select committees, and placed on the calendar the
13 succeeding legislative day for consideration on second
14 reading. If recommended favorably by the Committee of the
15 Whole, it may be considered on third reading the same
16 legislative day.

17 S50-120. Second reading. (1) The Senate may resolve
18 itself into a Committee of the Whole for consideration of
19 business on second reading, by approval of a motion for that
20 purpose.

21 (2) After a Committee of the Whole has been formed, the
22 President shall appoint a chairman to preside.

23 (3) All legislation considered in Committee of the
24 Whole shall be read by a summary of its title. Proposed
25 amendments shall be considered; then the bill shall be

1 considered in its entirety.

2 (4) Prior to adoption of the Committee of the Whole
3 report, a Senator may move to segregate legislation. If the
4 motion prevails, the legislation remains on second reading.

5 (5) When a Committee of the Whole report on legislation
6 is rejected, the legislation shall remain on second reading.

7 S50-130. Committee of the Whole amendments. (1) All
8 Committee of the Whole amendments shall be prepared,
9 stipulating the date and time of preparation and staff
10 approval, and delivered to the Secretary of the Senate for
11 reading before the amendment is voted on.

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

15 S50-140. Motions in Committee of the Whole. (1) All
16 proper motions on second reading are debatable.

17 (2) The only motions in order during Committee of the
18 Whole are to:

- 19 (a) amend;
- 20 (b) recommend passage or nonpassage;
- 21 (c) recommend concurrence or nonconcurrence;
- 22 (d) indefinitely postpone;
- 23 (e) pass consideration;
- 24 (f) rise;
- 25 (g) rise and report; or

1 (h) rise and report progress and ask leave to sit
2 again.

3 S50-150. Committee of the Whole -- generally. (1) The
4 committee may not appoint subcommittees.

5 (2) The committee may not punish its members for
6 misconduct, but may report disorder to the Senate.

7 S50-160. Voting on second reading. On Order of Business
8 No. 8, in addition to other methods, a recorded vote may be
9 made in the following manner: the chair may call for a voice
10 vote to accept or reject a question. If the vote is other
11 than unanimous, the chair may ask that the lesser number on
12 the question indicate their vote by standing. The Secretary
13 will then record the vote of those standing. The chair may
14 then rule that unless excused those not standing and present
15 have voted on the prevailing side of the question and that
16 their vote be recorded as such. If there was a unanimous
17 voice vote, all those present will be recorded as having
18 voted for the question.

19 S50-170. Third reading procedure. (1) All legislation
20 passing second reading shall be placed on third reading the
21 day following the receipt of the engrossing or other
22 appropriate printing report.

23 (2) On Order of Business No. 9 the Secretary shall read
24 the title and the President shall state the question as
25 follows: "Senate bill number (or other appropriate

1 identification)..... having been read three several times,
2 the question is, shall the bill (or other appropriate
3 identification) pass the Senate?"

4 (3) If an electronic voting system is used, the
5 President shall state "Those in favor vote yes and those
6 opposed vote no" and the Secretary will sound the signal and
7 open the board for voting. After a reasonable pause the
8 presiding officer asks "Has every member voted?" (reasonable
9 pause), "Does any member wish to change his or her vote?"
10 (reasonable pause), "The Secretary will record the vote."

11 S50-180. Senate voting. (1) A roll call vote shall be
12 taken on the request of two Senators, if the request occurs
13 before the vote is taken.

14 (2) On a roll call vote the names of the Senators shall
15 be called alphabetically, unless an electronic voting system
16 is used. A Senator may not vote or change his vote after the
17 decision is announced from the chair. A Senator may not
18 explain his vote until after the decision is announced from
19 the chair.

20 S50-190. Pairs. (1) Two Senators may pair on a question
21 that will be determined by a majority vote. On a question
22 requiring a two-thirds vote for adoption, three Senators may
23 pair, with two Senators for the question and one Senator
24 against. Pairing is permitted only when one of the paired
25 Senators is excused when the vote is taken.

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

8 (3) Pairs in Committee of the Whole are prohibited.

9 S50-200. Call of the Senate. (1) In the absence of a
 10 quorum, a majority of Senators present may compel the
 11 attendance of absent Senators by ordering a call of the
 12 Senate.

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

15 (3) On a call of the Senate, a Senator who refuses to
 16 attend may be arrested by the Sergeant-at-Arms or any other
 17 person, as the majority of such Senators present shall
 18 direct. When the attendance of an absent Senator is secured
 19 and the Senate refuses to excuse the Senator's absence, the
 20 Senator shall not be paid any expense payments during his
 21 absence and is liable for the expenses incurred in procuring
 22 his attendance.

23 (4) During a call of the Senate, all business shall be
 24 suspended. After a call has been ordered, no motion is in
 25 order except a motion to adjourn or remove the call. The

1 call may be removed by a two-thirds vote.

2 Chapter 6

3 Rules

4 S60-10. Senate rules. (1) A motion to amend or adopt a
 5 rule of the Senate shall be referred to the Rules Committee
 6 without debate. A rule of the Senate may be amended or
 7 adopted only with the concurrence of a majority of the
 8 Senate and after 1 day's notice.

9 (2) A rule may be suspended temporarily by a two-thirds
 10 vote.

11 S60-20. Mason's Manual of Legislative Procedure.
 12 Mason's Manual of Legislative Procedure (1989) governs the
 13 proceedings of the Senate in all cases not covered by these
 14 rules.

15 S60-30. Quorum. A majority of the Senate shall
 16 constitute a quorum to do business, but a smaller number may
 17 adjourn from day to day and compel the attendance of absent
 18 Senators, in such manner and under such penalties as the
 19 Senate may prescribe (Montana Constitution, Art. V, Sec.
 20 10(2)).

21 Chapter 7

22 Nominations from the Governor

23 S70-10. Nominations. (1) The Governor shall nominate
 24 and, by and with the consent of the Senate, appoint all
 25 officers whose offices are established by the Montana

1 Constitution or which may be created by law and for whom
2 appointment or election is not otherwise provided.

3 (2) If during a recess of the Senate a vacancy occurs
4 in any such office, the Governor shall appoint some fit
5 person to discharge the duties thereof until the next
6 meeting of the Senate, when he shall nominate a person to
7 fill such office.

8 S70-20. Introduction and first reading of nominations.

9 (1) Nominations received from the Governor are:

10 (a) received by the President;

11 (b) delivered to the Secretary of the Senate;

12 (c) read under Order of Business No. 4, messages from
13 the Governor; and

14 (d) referred to committee.

15 (2) The above procedure constitutes introduction and
16 first reading of the nominations.

17 (3) The Secretary shall distribute a copy of the list
18 of nominations to each Senator.

19 S70-30. Committee process. (1) (a) The committee shall
20 hold hearings on the nominations after appropriate public
21 notice has been made.

22 (b) As part of the hearing process, the committee may
23 request biographical information from the Governor for each
24 nominee, if none has been provided.

25 (2) Following the hearings, the committee shall issue

1 preliminary standing committee reports to be distributed to
2 each Senator, stating the committee's recommendations
3 concerning the nominees.

4 (3) (a) If a Senator wishes to have an individual
5 nominee, or group of nominees, considered by the Senate
6 separately from the group of nominees recommended by the
7 committee, the Senator may request of the chairman of the
8 committee that the nominee or nominees be considered by a
9 separate resolution.

10 (b) A Senator must request separate consideration of a
11 nominee within 3 days of receipt of the preliminary standing
12 committee report. The committee chairman shall honor this
13 request.

14 (4) After waiting 3 days from the day of distribution
15 of the preliminary standing committee report, the committee
16 chairman shall issue formal standing committee reports for
17 simple resolutions based on recommendations from the
18 Senators and deliver the reports to the Secretary of the
19 Senate.

20 (5) The Secretary will assign numbers and read the
21 reports under Order of Business No. 2, reports of standing
22 committees, and forward them to the Legislative Council for
23 processing and printing.

24 (6) Thereafter, the resolution must be placed on Order
25 of Business No. 11 the next legislative day for

1 consideration by the Senate. Motions to approve or
2 disapprove of the resolution are in order and may be
3 debated.

4 **Appendix A**

5 **List of Questions Requiring Other Than a Majority Vote**

6 The following questions require the vote specified:

- 7 (1) a call of the Senate with a quorum (five Senators);
8 (2) a motion to lift a call of the Senate (two-thirds
9 of the members present and voting);
10 (3) a motion to amend or suspend rules (two-thirds);
11 (4) a motion to override the Governor's veto
12 (two-thirds);
13 (5) a motion to approve a bill to appropriate the
14 principal of the coal trust fund (three-fourths of each
15 house);
16 (6) a motion to approve a bill to appropriate highway
17 revenue as described in Article VIII, section 6, of the
18 Montana Constitution for purposes other than therein
19 described (three-fifths of each house);
20 (7) a motion to approve a bill proposing to amend the
21 Montana Constitution (two-thirds of the entire Legislature);
22 and
23 (8) an appeal of the ruling of the presiding officer
24 (one Senator, seconded by two other Senators).

-End-