

MINUTES

MONTANA SENATE
51st LEGISLATURE - SPECIAL SESSION

COMMITTEE ON SENATE RULES

Call to Order: By Chairman Gage, On June 14, 1989, at 9:00 a.m.

ROLL CALL

Members Present: Senator Del Gage, Chairman, Senator Crippen, Senator Farrell, Senator Jacobson, and Senator Van Valkenburg.

All action taken by the committee in these minutes refers to Senate Resolution No. 1 Introduced By Gage By Request Of The Senate Rules Committee (Exhibit #1).

S30-90

Senator Van Valkenburg moved to insert the following new subsection d: "Any hearings during Special Session would not be subject to the three day notice requirement."

The motion carried unanimously.

S30-130

Senator Van Valkenburg moved to add new language in (1) to read "within the Call for Special Session".

The motion carried unanimously.

S40-10

Senator Van Valkenburg moved to amend (1) by striking "of any subject, except appropriations" and inserting "Which are within the Call" and in (2) by striking "may" and inserting "are within the Call".

The motion carried unanimously.

S40-40

Senator Farrell moved to delete (2) in its entirety.

The motion carried unanimously.

S40-60

Senator Farrell moved to delete (2) and (3) in their entirety.

The motion carried unanimously.

S50-90

Senator Van Valkenburg moved to delete (5) in its entirety.

The motion carried unanimously.

S50-170

Senator Jacobson moved to insert in (1) following "third reading" the following language: "not later than ".

The motion carried unanimously.

S50-110

Senator Jacobson moved to insert "not later than" following "calendar".

The motion carried unanimously.

S70-30

Senator Van Valkenburg stated the time frame should be shortened in case any judgeships are considered during the Special Session. Senator Crippen stated the situation would be a proper expansion of the call.

Senator Crippen moved to strike "Committee" following "S70-30. He further expanded his motion to include the following:

1. (4) following "waiting" strike "three" and insert "two"
2. (5) following "committees, and" strike "forward them to" and insert "request"
3. (5) following "Council" strike "for processing and printing" and insert "to draft the formal Resolution of Confirmation"
4. (6) following "11" insert "not later than".

The motion carried unanimously.

S50-60

Senator Van Valkenburg moved to delete (5) and (11). He said there

has been no abuse of the right of debate in the Senate. He said suspension of rules is so significant that debate should be allowed.

The motion carried with Senator Farrell voting no.


S50-80

Senator Crippen moved to provide a new subsection (4) giving the sponsor the right to close if the motion to the previous question passes. He noted the House has this provision. Senator Crippen said this section deals with limiting debate and a close is not debate.

The motion carried unanimously.

ADJOURNMENT

ADJOURNMENT: There being no further business before the Rules Committee, the meeting adjourned.



Senator Del Gage, Chairman
Senate Rules Committee

EXPLANATION OF PROPOSED
REVISIONS TO SENATE RULES FOR SPECIAL SESSION

S 30-90
(Amended)

NOTICE OF COMMITTEE HEARINGS - EXCEPTIONS

The exceptions to the 3 day Notice of Committee requirement are being deleted because the exceptions relate to deadlines pertinent to the regular session.

The rule now basically says that 3 day notice is required before public hearings are held, but in the event that there is not a 3 day notice all practical means to get the word out will be taken.

S 30-130
(Amended)

COMMITTEE REQUESTED LEGISLATION

Adds language to subsection (1) which requires that committee requested legislation must not only be requested by at least 3/4 of all committee members, but also that committee requested legislation must be within The Call.

S 40-10
(Amended)

TYPES OF LEGISLATION

(1) and (2) Limits the types of legislation allowed to bills or joint resolutions which are within The Call or signed by 76 members.

S 40-40
(Amended)

READING LIMITATIONS

Eliminates subsection (2) which requires that no legislation shall have more than one reading on the same day.

S 40-60
(Amended)

SCHEDULING FOR 2ND READING

Subsection (2) is deleted. This deletion will eliminate the requirement that 1 day must elapse between receiving legislation from printing, and scheduling before Committee of the Whole on second reading.

Subsection (3) is deleted, eliminating the rule that bills should be placed before the Committee of the Whole in numerical order.

S 50-170
(Amended)

THIRD READING PROCEDURE

The deletion in subsection (1) eliminates the requirement that legislation shall be placed on 3rd reading the day following the receipt of the engrossing or printing report.

S 70-30
(Amended)

COMMITTEE PROCESS (Title changed to:
CONFIRMATION PROCESS)

(4) This change shortens the waiting time from 3 days to 2 days between the preliminary and formal standing committee reports regarding gubernatorial appointments.

(5) This change provides that once the gubernatorial appointments have been reported upon by the standing committee, the Secretary will request the Legislative Council to draft a formal Resolution of Confirmation rather than forwarding the report to the Legislative Council for processing and printing.

(6) This change allows the resolution for gubernatorial appointments to be considered by the Committee of the Whole once the formal resolution has been prepared by the Legislative Council, without the restriction that it must be placed on Order of Business # 11 the next legislative day after processing and printing.

SENATE RESOLUTION NO. 1 INTRODUCED BY GAGE 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.

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

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

(8) The President is the chief administrative officer of the Senate, with authority for the general supervision of all Senate

employees. The President may seek the advice and counsel of the Legislative Administration Committee.

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

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

Sl0-60. Succession. In case of the absence or disqualification of the President, the President pro tempore of the Senate shall perform the duties of the President until the vacancy is filled or the disability removed.

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

(a) If the President dies while in office, the members of his political party shall have the right to immediately nominate and elect an acting President of the same party.

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

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

Sl0-70. President-elect. The President-elect nominated by the appropriate party caucus held in accordance with section 5-2-201, MCA, shall have the responsibility and authority to assume the duties of President of the Senate.

Sl0-80. 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 shall have authority to act in the interim to prepare for future legislative sessions.

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

(4) The committee shall consider disputes or complaints involving the competency or decorum of legislative employees referred to it by the President and recommend dismissal, suspension and or retention of such employees.

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

Sl0-90. Senate employees. (1) In addition to the employees appointed by the President in accordance with section 5-2-221, MCA, the Senate shall employ staff recommended by the leadership and the Legislative Administration Committee as necessary to perform the functions of the Senate.

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

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

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

S10-100. Secretary of the Senate and duties. The Secretary of the Senate works under the direction of the President. The responsibilities of the Secretary of the Senate include:

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

(2) serving as parliamentary advisor to the Senate;

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

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

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

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

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

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

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

(2) enforce the lobbying rules of the Senate;

(3) supervise the employees assigned to his office;

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

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

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

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

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

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

(a) committee reports;

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

(c) the introduction of legislation in the Senate;

(d) consideration of legislation subsequent to introduction;

- (e) roll call votes;
- (f) messages from the Governor and the House of Representatives;
- (g) every amendment, the name of the Senator presenting it, and its disposition;
- (h) the names of Senators and their votes on any question upon a request by two Senators before a vote is taken; and
- (i) any other records the Senate directs by rule or action.

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

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

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

Chapter 2 Decorum

S20-10. Questions of order. The President of the Senate shall decide all questions of order, subject to an appeal by any Senator seconded by two other Senators. No Senator may speak more than once on an appeal without the consent of a majority of the Senate.

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

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

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

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

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

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

S20-60. Floor privileges.

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

- (a) legislators;
- (b) legislative officers and employees whose presence is necessary for the conduct of business of the session;
- (c) accredited members of the news media; and

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

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

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

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

Chapter 3 Committees

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

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

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

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

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

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

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

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

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

signature.

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

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

S30-60. Committee reports to Senate. (1) Reports of standing committees shall be read on Order of Business No. 2, and no debate may be had on any report unless a minority report has been submitted.

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

(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. 6 by motion to reconsider. Any Senator may make such motion and need not have voted on the prevailing side. This rule applies notwithstanding any joint rule to the contrary.

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

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

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

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

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

- (a) prior to the 3rd legislative day;
- (b) less than 5 legislative days before the transmitted deadline applicable to the subject of the hearing; or
- (c) to consider confirmation of a gubernatorial appointment received less than 5-10 legislative days before the last scheduled day of a legislative session.

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

(3) Notice of conference committee hearings must be given as provided in joint rule 30-30.

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

S30-110. Consent calendar eligibility. (1) To be eligible

the consent calendar, legislation must receive a unanimous vote by the members of the standing committee in attendance (do pass, do pass as amended).

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

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

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

S30-130. Committee requested legislation. (1) At least three-fourths of all the members of a standing committee must have voted in favor of the question to allow the committee to request the introduction of legislation ~~within The Call for Special Session.~~

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

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

Chapter 4 Legislation

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 Council and signed by a Senator. The types of legislation allowed include:

(1) ~~bills of any subject, except appropriations; which are within The Call or signed by 76 members;~~

(2) ~~joint resolutions, which may are within The Call or signed by 76 members which may~~ : : ← colon after "may"

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

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

(c) adopt or amend the joint rules;

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

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

(3) simple resolutions, which may:

(a) adopt or amend Senate rules;

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

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

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

S40-20. Introduction. (1) Upon receiving a bill or resolution in triplicate from a Senator, the Secretary of the Senate shall assign an appropriate sequential number, which constitutes introduction of the legislation.

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

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

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 Council with the original bill for the inclusion of the names in subsequent printings of the bill or resolution.

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

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

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

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

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

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

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

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~~(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.~~

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

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

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

answers upon request. No debate will be allowed.

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

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

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

Chapter 5 Floor Action

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

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

- (1) communications and petitions;
- (2) reports of standing committees;
- (3) reports of select committees;
- (4) messages from the Governor;
- (5) messages from the House of Representatives;
- (6) motions;
- (7) first reading and commitment of bills;
- (8) second reading of bills (Committee of the Whole);
- (9) third reading of bills and consent calendar bills;
- (10) unfinished business;
- (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;

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

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Amending down

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

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

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

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

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

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

S50-120. Second reading. (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 chairman to preside.

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

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

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

S50-130. Committee of the Whole amendments. (1) All Committee of the Whole amendments shall be prepared, 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, shall be printed in the journal, along with the name of the sponsor and the vote on each.

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

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

- (a) amend;
- (b) recommend passage or nonpassage;
- (c) recommend concurrence or nonconcurrence;
- (d) indefinitely postpone;
- (e) pass consideration;
- (f) rise;
- (g) rise and report; or
- (h) rise and report progress and ask leave to sit again.

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

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

S50-160. Voting on second reading. On Order of Business No. 8, 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. The Secretary will then record the vote of those standing. The chair may then rule that unless excused those not standing and present have voted on the prevailing side of the question and that their vote be recorded as such. If there was a unanimous voice vote, all those present will be recorded as having voted for the question.

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

(2) On Order of Business No. 9 the Secretary shall read the title and the President shall state the question as follows: "Senate bill number (or other appropriate identification)..... having been read three several times, the question is, shall the bill (or other appropriate identification) pass the Senate?"

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

S50-180. Senate voting. (1) A roll call vote shall 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 shall be called alphabetically, unless an electronic voting system is used. A Senator may not vote or change his vote after the decision is announced from the chair. A Senator may not explain his vote until after the decision is announced from the chair.

S50-190. 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 shall bind 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.

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

S50-200. Call of the Senate. (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 such Senators present shall direct. When the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator's absence, the Senator shall not be paid any expense payments during his absence and is liable for the expenses incurred in procuring his attendance.

(4) During a call of the Senate, all business shall 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.

Chapter 6 Rules

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

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

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

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

Chapter 7 Nominations from the Governor

S70-10. Nominations. (1) The Governor shall nominate and, by and with the consent of the Senate, appoint all officers whose offices are established by the Montana Constitution or which may be created by law and for whom appointment or election is not otherwise provided.

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

S70-20. Introduction and first reading of nominations. (1) Nominations received from the Governor are:

- (a) received by the President;
- (b) delivered to the Secretary of the Senate;
- (c) read under Order of Business No. 4, messages from the Governor; and

(d) referred to committee.

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

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

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

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

(2) Following the hearings, the committee shall issue preliminary standing committee reports to be distributed to each Senator, stating the committee's recommendations concerning the nominees.

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

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

(4) After waiting ~~three~~ two days from the day of distribution of the preliminary standing committee report, the committee chairman shall issue formal standing committee reports for simple resolutions based on recommendations from the Senators and deliver the reports to the Secretary of the Senate.

(5) The Secretary will assign numbers and read the reports under Order of Business No. 2, reports of standing committees, and forward them to request the Legislative Council for processing and printing. to draft the formal Resolution of Confirmation.

(6) Thereafter, the resolution must be placed on Order of Business No. 11 ~~the next legislative day~~ for consideration by the Senate. Motions to approve or disapprove of the resolution are in order and may be debated.

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 a quorum (five Senators);

(2) a motion to lift a call of the Senate (two-thirds of the members present and voting);

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

(4) a motion to override the Governor's veto (two-thirds);

(5) a motion to approve a bill to appropriate the principal of the coal trust fund (three-fourths of each house);

(6) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of the Montana Constitution for purposes other than therein described (three-fifths of each house);

(7) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the entire Legislature); AND

(8) an appeal of the ruling of the presiding officer (one Senator, seconded by two other Senators) and.

- END -

ROLL CALL

SENATE RULES

COMMITTEE

54th LEGISLATIVE SESSION -- 1989
SPECIAL

Date 6/14/89

NAME	PRESENT	ABSENT	EXCUSED
Senator Gage	X		
Senator Galt			X
Senator Crippen	X		
Senator Farrell	X		
Senator Jacobson	X		
Senator Van Valkenburg	X		
Senator Norman			X

Each day attach to minutes.