

SENATE RESOLUTION NO. 1

INTRODUCED BY GAGE

IN THE SENATE

January 10, 1989	Introduced and referred to Committee on Rules.
January 11, 1989	Committee recommend resolution be adopted. Report adopted.
January 11, 1989	On motion, rules suspended to place bill on second reading this day. Second reading, adopted as amended. Sent to enrolling. Reported correctly enrolled.

ON MOTION RULES SUSPENDED,
YELLOW PRINTING DISPENSED

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.

1 (6) The President shall sign all necessary
2 certifications of the Senate, including enrolled bills and
3 resolutions, journals, subpoenas and payrolls. His signature
4 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
22 is of the opposite political party from that of the
23 President, 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

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

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

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

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

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

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

1 **S10-100. Secretary of the Senate and duties.** The
2 Secretary of the Senate works under the direction of the
3 President. The responsibilities of the Secretary of the
4 Senate include:

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

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

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

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

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

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

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

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

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

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

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

24 (4) receive, distribute, and maintain supplies,
25 equipment, and other inventory of the Senate, along with

1 records of purchase and disposal in accordance with law;

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

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

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

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

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

18 (a) committee reports;

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

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

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

24 (e) roll call votes;

25 (f) messages from the Governor and the House of

1 Representatives;

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

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

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

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

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

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

22 Chapter 2

23 Decorum

24 S20-10. Questions of order. The President of the
25 Senate shall decide all questions of order; subject to an

1 appeal by any Senator seconded by two other Senators. No
2 Senator may speak more than once on an appeal without the
3 consent of a majority of the Senate.

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

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

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

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

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

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

1 shall decide if the communication bears including in the
2 calendar.

3 S20-60. Floor privileges.

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

6 (a) legislators;

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

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

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

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

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

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

21 Chapter 3

22 Committees

23 S30-10. Committee appointments. (1) The Senate shall
24 elect a Committee on Committees consisting of five members.
25 If the Senate is evenly divided between parties, the

1 committee shall consist of six Senators, three from each
2 party.

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

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

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

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

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

1 (13) Public Health, Welfare, and Safety

2 (14) Rules

3 (15) State Administration

4 (16) Taxation

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

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

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

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

- 23 (a) original to the Montana Historical Society;
- 24 (b) copy to the State Law Library of Montana; and
- 25 (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. This 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 transmittal 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

1 submit separate reports. Only one minority report may be
2 submitted. Such reports shall be entered at length on the
3 journal, unless otherwise ordered by the Senate.

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

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

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

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

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

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

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

1 Chapter 4

2 Legislation

3 S40-10. Types of legislation. The only types of
4 legislation that may be introduced in the Senate are those
5 that have been drafted and approved by the Legislative
6 Council and signed by a Senator. The types of legislation
7 allowed include:

- 8 (1) bills of any subject, except appropriations;
- 9 (2) joint resolutions, which may:
 - 10 (a) express desire, opinion, sympathy, or request of
 - 11 the Legislature;
 - 12 (b) request an interim study by a legislative
 - 13 subcommittee;
 - 14 (c) adopt or amend the joint rules;
 - 15 (d) set salaries and other terms of employment for
 - 16 legislative employees; and
 - 17 (e) accomplish other legislative duties required by
 - 18 law; and
 - 19 (3) simple resolutions, which may:
 - 20 (a) adopt or amend Senate rules;
 - 21 (b) provide for the internal affairs of the Senate;
 - 22 (c) express confirmation of the Governor's
 - 23 appointments;
 - 24 (d) make recommendations concerning the districting
 - 25 and apportionment plan as provided by Article V, section

1 14(4), of the Montana Constitution.

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

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

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

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

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

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

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

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

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

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

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

24 S40-60. Scheduling for second reading. (1) All bills
25 and resolutions, except those recommended for the consent

1 calendar, which have been reported by a committee, accepted
2 by the Senate and reproduced shall be scheduled for
3 consideration by Committee of the Whole.

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

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

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

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

25 (3) Any three Senators may submit written objections

1 to the Secretary of the Senate, and the legislation must
2 then be removed from the consent calendar and added to the
3 regular second reading agenda.

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

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

Chapter 5

Floor Action

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

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

- 18 (1) communications and petitions;
- 19 (2) reports of standing committees;
- 20 (3) reports of select committees;
- 21 (4) messages from the Governor;
- 22 (5) messages from the House of Representatives;
- 23 (6) motions;
- 24 (7) first reading and commitment of bills;
- 25 (8) second reading of bills (Committee of the Whole);

- 1 (9) third reading of bills and consent calendar bills;
- 2 (10) unfinished business;
- 3 (11) special orders of the day; and
- 4 (12) announcement of committee meetings.

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

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

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

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

24 **S50-50. Precedence of motions.** (1) When a question is
25 under debate only the following privileged and subsidiary

1 motions shall be made:

- 2 (a) to adjourn;
- 3 (b) for a call of the Senate;
- 4 (c) to recess;
- 5 (d) question of privilege;
- 6 (e) to lay on the table;
- 7 (f) for the previous question;
- 8 (g) to postpone to a certain day;
- 9 (h) to refer or commit;
- 10 (i) to amend; and
- 11 (j) to postpone indefinitely.

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

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

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

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

- 24 (1) to adjourn;
- 25 (2) for a call of the Senate;

1 (3) to recess;
 2 (4) for parliamentary inquiry;
 3 (5) for suspension of the rules;
 4 (6) to lay on the table;
 5 (7) for the previous question;
 6 (8) to limit, extend the limits of, or to close
 7 debate;
 8 (9) to amend an undebatable motion;
 9 (10) to divide a question;
 10 (11) to pass business in Committee of the Whole;
 11 (12) to take from the table;
 12 (13) a decision of the presiding officer, unless
 13 appealed or unless he submits the question to the Senate for
 14 advice or decision; and
 15 (14) all incidental motions, such as motions relating
 16 to voting or other questions of a general procedural nature.

17 §50-70. Amending motions. No more than one amendment
 18 and no more than one substitute motion may be made to a
 19 motion. This rule permits the main motion and two modifying
 20 motions.

21 §50-80. Previous question. (1) Except as provided in
 22 subsection (2) of this rule, the effect of calling for the
 23 previous question, if adopted, is to close debate
 24 immediately, to prevent the offering of amendments or other
 25 subsidiary motions, and to bring to vote promptly the

1 immediately pending main question and the adhering
 2 subsidiary motions, whether on appeal or otherwise.

3 (2) When the previous question is ordered on any
 4 debatable question on which there has been no debate, the
 5 question may be debated for one-half hour, one-half of such
 6 time to be given to the proponents and one-half to the
 7 opponents.

8 (3) A call of the Senate is not in order after the
 9 previous question is ordered unless it appears upon an
 10 actual count by the presiding officer that a quorum is not
 11 present.

12 §50-90. Reconsideration. (1) Any Senator may, on the
 13 day the vote was taken or on the next day the Senate is in
 14 session, move to reconsider the question.

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

20 (3) A motion to recall a bill from the House of
 21 Representatives constitutes notice to reconsider and shall
 22 be acted on as a motion to reconsider. A motion to
 23 reconsider or to recall a bill from the House of
 24 Representatives may be made only under Order of Business No.
 25 6 and, under that order of business, takes precedence over

1 all motions except motions to recess or adjourn.

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

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

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

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

21 S50-120. Second reading. (1) The Senate may resolve
22 itself into a Committee of the Whole for consideration of
23 business on second reading, by approval of a motion for that
24 purpose.

25 (2) After a Committee of the Whole has been formed,

1 the President shall appoint a chairman to preside.

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

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

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

12 S50-130. Committee of the Whole amendments. (1) All
13 Committee of the Whole amendments shall be prepared,
14 stipulating the date and time of preparation and staff
15 approval, and delivered to the Secretary of the Senate for
16 reading before the amendment is voted on.

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

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

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

- 24 (a) amend;
- 25 (b) recommend passage or nonpassage;

- 1 (c) recommend concurrence or nonconcurrence;
- 2 (d) indefinitely postpone;
- 3 (e) pass consideration;
- 4 (f) rise;
- 5 (g) rise and report; or
- 6 (h) rise and report progress and ask leave to sit
- 7 again.

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

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

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

24 S50-170. Third reading procedure. (1) All legislation
25 passing second reading shall be placed on third reading the

1 day following the receipt of the engrossing or other
2 appropriate printing report.

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

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

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

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

25 S50-190. Pairs. (1) Two Senators may pair on a

1 question that will be determined by a majority vote. On a
 2 question requiring a two-thirds vote for adoption, three
 3 Senators may pair, with two Senators for the question and
 4 one Senator against. Pairing is permitted only when one of
 5 the paired Senators is excused when the vote is taken.

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

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

14 S50-200. Call of the Senate. (1) In the absence of a
 15 quorum, a majority of Senators present may compel the
 16 attendance of absent Senators by ordering a call of the
 17 Senate.

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

20 (3) On a call of the Senate, a Senator who refuses to
 21 attend may be arrested by the Sergeant-at-Arms or any other
 22 person, as the majority of such Senators present shall
 23 direct. When the attendance of an absent Senator is secured
 24 and the Senate refuses to excuse the Senator's absence, the
 25 Senator shall not be paid any expense payments during his

1 absence and is liable for the expenses incurred in procuring
 2 his attendance.

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

7 Chapter 6

8 Rules

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

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

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

20 S60-30. Quorum. A majority of the Senate shall
 21 constitute a quorum to do business, but a smaller number may
 22 adjourn from day to day and compel the attendance of absent
 23 Senators, in such manner and under such penalties as the
 24 Senate may prescribe (Montana Constitution, Art. V, Sec.
 25 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 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 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

1 reports under Order of Business No. 2, reports of standing
2 committees, and forward them to the Legislative Council for
3 processing and printing.

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

9 Appendix A

10 List of Questions Requiring Other than a Majority Vote

11 The following questions require the vote specified:

12 (1) a call of the Senate with a quorum (five
13 Senators);

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

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

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

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

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

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

3 AND

4 (8) an appeal of the ruling of the presiding officer
5 (one Senator, seconded by two other Senators);-and_

6 {9}--a--motion--to--overturn--an--adverse--committee--report
7 {three-fourths-of-those-voting};

-End-