

SENATE RESOLUTION NO. 1

INTRODUCED BY JERGSON
BY REQUEST OF THE RULES COMMITTEE

IN THE SENATE

JANUARY 8, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON RULES.

FIRST READING.

JANUARY 12, 1993

COMMITTEE RECOMMEND RESOLUTION
BE ADOPTED. REPORT ADOPTED.

JANUARY 13, 1993

PRINTING REPORT.

SECOND READING, RESOLUTION APPROVED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate RESOLUTION NO. 1

INTRODUCED BY Jerguson
BY REQUEST OF THE RULES COMMITTEE

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

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
MONTANA:

That the following rules be adopted:

RULES OF THE MONTANA

SENATE

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

1 the Senate, including enrolled bills and resolutions, journals,
2 subpoenas, and payrolls. The President's signature must be attested
3 by the Secretary of the Senate.

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

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

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

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

15 **S10-60. Succession.** (1) In case of the absence or
16 disqualification of the President, the President pro tempore of the
17 Senate shall perform the duties of the President until the vacancy
18 is filled or the disability removed.

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

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

25 (b) If the President is absent for two or more legislative
26 days or at any time after the 85th legislative day or at any time

1 during special session of the Legislature but able and desirous of
2 appointing an acting President to act when the President is absent,
3 the President may do so, or the members of the President's
4 political party shall have the right to immediately nominate and
5 elect an acting President of the same party.

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

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

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

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

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

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

26 (5) The chair of the Legislative Administration Committee

1 may, upon approval of the President, have purchase orders and
2 requisitions prepared and forwarded to the accounting office in the
3 Legislative Council.

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

9 (2) A standing committee chair shall designate a secretary to
10 take and transcribe minutes of committee meetings. A committee
11 secretary is immediately responsible to the chair, but shall work
12 under the overall direction of the Secretary of the Senate, subject
13 to authority of the committee chair.

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

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

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

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

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

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

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

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

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

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

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

10 (1) maintain order as directed by the President or chair of
11 the Committee of the Whole;

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

13 (3) supervise the employees assigned to the Sergeant's
14 office;

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

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

20 **S10-120. Legislative aides.** Each Senator may designate one
21 person of legal age to serve as an aide during the session.
22 Exceptions to this policy may be approved by the Rules Committee.
23 The Senator shall register an aide with the Secretary of the Senate
24 and arrange for the purchase of a name tag with the
25 Sergeant-at-Arms.

26 **S10-130. Senate journal.** (1) The Senate shall keep and

1 authenticate a journal of its proceedings as required by law and
2 the rules.

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

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

7 (a) committee reports;

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

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

11 (d) consideration of legislation subsequent to introduction;

12 (e) roll call votes;

13 (f) messages from the Governor and the House of
14 Representatives;

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

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

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

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

25 (5) Any Senator may examine the daily journal and propose
26 corrections. Without objection by the Senate, the President may

1 direct the correction to be made.

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

6 CHAPTER 2

7 Decorum

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

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

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

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

18 **S20-30. Recognition by chair.** A Senator desiring to speak
19 shall rise and address the presiding officer, and once being
20 recognized, shall speak standing in place. The presiding officer
21 may grant permission for a speaker to speak from elsewhere in the
22 chamber. When two or more Senators rise at the same time, the
23 presiding officer shall name the order of the speakers.

24 **S20-40. Senators called to order.** When a Senator has been
25 called to order, the Senator shall sit down until the presiding
26 officer determines whether the Senator is in order or not. If the

1 Senator is called to order for words spoken in debate, the language
2 excepted to shall be taken down in writing by the Secretary of the
3 Senate.

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

8 **S20-60. Floor privileges.** (1) When the Senate is in session
9 no person is permitted in the chambers except:

10 (a) legislators;

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

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

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

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

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

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

25 CHAPTER 3

26 Committees

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

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

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

11 (4) The Senate may change the membership of any committee on
12 1 day's notice.

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

15 (1) Agriculture, Livestock, and Irrigation

16 (2) Bills and Journal

17 (3) Business and Industry

18 (4) Education and Cultural Resources

19 (5) Finance and Claims

20 (6) Fish and Game

21 (7) Highways and Transportation

22 (8) Judiciary

23 (9) Labor and Employment Relations

24 (10) Legislative Administration

25 (11) Local Government

26 (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. Chair's duties. (1) The chair 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 signing them.

(2) After adjournment of the session, the chair shall turn the original and two complete copies of the minutes over to the Secretary of the Senate who shall deliver them unbound to the Legislative Council librarian who will arrange to have them copied on microform. A microform copy will be provided to the Legislative Council and the State Law Library of Montana. The Legislative Fiscal Analyst will receive a microform copy of the minutes of the Committee on Finance and Claims. After microforming, the original minutes will be delivered to the Montana Historical Society.

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 7 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 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 chair 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 for 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.

(2) The chair 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 chair 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;
- (2) joint resolutions, which 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 duplicate 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.

(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

1 bill shall again be placed on third reading in the Senate to
2 determine if the required number of votes has been cast.

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

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

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

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

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

25 (3) Any three Senators may submit written objections to the
26 Secretary of the Senate, and the legislation must then be removed

1 from the consent calendar and added to the regular second reading
2 agenda.

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

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

8 CHAPTER 5

9 Floor Action

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

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

- 16 (1) communications and petitions;
- 17 (2) reports of standing committees;
- 18 (3) reports of select committees;
- 19 (4) messages from the Governor;
- 20 (5) messages from the House of Representatives;
- 21 (6) motions;
- 22 (7) first reading and commitment of bills;
- 23 (8) second reading of bills (Committee of the Whole);
- 24 (9) third reading of bills and consent calendar bills;
- 25 (10) unfinished business;
- 26 (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 the Senator has introduced or proposed the motion or question under debate, in which case the Senator 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;
- (6) to lay on the table;
- (7) for the previous question;
- (8) to limit, extend the limits of, or to close debate;
- (9) to amend an undebatable motion;

(10) to divide a question;

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

(12) to take from the table;

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

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

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

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

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

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

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.

(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.

(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 chair 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.

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

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

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

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

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

24 **S50-190. Pairs.** (1) Two Senators may pair on a question that
25 will be determined by a majority vote. On a question requiring a
26 two-thirds vote for adoption, three Senators may pair, with two

1 Senators for the question and one Senator against. Pairing is
2 permitted only when one of the paired Senators is excused when the
3 vote is taken.

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

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

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

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

16 (3) On a call of the Senate, a Senator who refuses to attend
17 may be arrested by the Sergeant-at-Arms or any other person, as the
18 majority of such Senators present shall direct. When the attendance
19 of an absent Senator is secured and the Senate refuses to excuse
20 the Senator's absence, the Senator shall not be paid any expense
21 payments while absent and is liable for the expenses incurred in
22 procuring the Senator's 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 order
25 except a motion to adjourn or remove the call. The call may be
26 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 the Governor 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 research each nominee and may request biographical information from the Governor for each nominee if none has been provided.

(b) The committee chair shall submit a bill draft request for a simple resolution to include the nominees specified by the committee chair. These bill draft requests will not count against any bill draft request limit imposed on members. When the resolution has been prepared and introduced, the committee shall hold a hearing on the resolution after appropriate public notice has been made.

(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

1 group of nominees, considered by the Senate separately from the
 2 group of nominees recommended by the committee, the Senator may
 3 request of the chair of the committee that the nominee or nominees
 4 be considered by a separate resolution.

5 (b) A Senator must request separate consideration of a
 6 nominee within 3 days of receipt of the preliminary standing
 7 committee report. The committee chair shall honor this request.

8 (4) After waiting 3 days from the day of distribution of the
 9 preliminary standing committee report, the committee chair shall
 10 issue a final standing committee report and deliver the report to
 11 the Secretary of the Senate.

12 (a) If a nominee is to be separated from the resolution, the
 13 final standing committee report shall include an amendment deleting
 14 that nominee.

15 (b) When a nominee has been separated at the request of a
 16 Senator, the committee chair shall submit a bill draft request for
 17 a simple resolution to include only the nominee so separated. When
 18 the resolution has been prepared and introduced, the committee
 19 shall take executive action on the resolution. When a hearing on
 20 the separated nomination was held prior to the committee's
 21 preliminary standing committee report, no additional hearing need
 22 be held before the committee takes action on the separate
 23 resolution. After the committee's executive action, the committee
 24 chair shall issue a standing committee report.

25 (5) If a resolution contains only one nominee, the committee
 26 shall dispense with the preliminary standing committee report and

1 shall issue a final standing committee report to be distributed to
 2 each Senator stating the committee's recommendation concerning the
 3 nominee.

4 (6) The Secretary will read the reports under Order of
 5 Business No. 2, reports of standing committees.

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

10 Appendix A

11 List of Questions Requiring Other Than a Majority Vote

12 The following questions require the vote specified:

- 13 (1) a call of the Senate with a quorum (five Senators);
- 14 (2) a motion to lift a call of the Senate (two-thirds of the
 15 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 (two-thirds);
- 18 (5) a motion to approve a bill to appropriate the principal
 19 of the coal trust fund (three-fourths of each house);
- 20 (6) a motion to approve a bill to appropriate highway revenue
 21 as described in Article VIII, section 6, of the Montana
 22 Constitution for purposes other than therein described
 23 (three fifths of each house);
- 24 (7) a motion to approve a bill proposing to amend the Montana
 25 Constitution (two thirds of the entire Legislature); and
- 26 (8) an appeal of the ruling of the presiding officer (one

53rd Legislature

LC 0932/01

1 Senator, seconded by two other Senators).

2 -END-

APPROVED BY COMMITTEE
ON RULES

INTRODUCED BY Senate RESOLUTION NO. 1
Jerguson
BY REQUEST OF THE RULES COMMITTEE

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

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
MONTANA:

That the following rules be adopted:

RULES OF THE MONTANA

SENATE

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. The President's 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.

S10-60. Succession. (1) 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 the President's 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 when the President is absent, the President may do so, or the members of the President's 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.

S10-70. 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.

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

(2) The committee 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 chair of the Legislative Administration Committee

1 may, upon approval of the President, have purchase orders and
2 requisitions prepared and forwarded to the accounting office in the
3 Legislative Council.

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

9 (2) A standing committee chair shall designate a secretary to
10 take and transcribe minutes of committee meetings. A committee
11 secretary is immediately responsible to the chair, but shall work
12 under the overall direction of the Secretary of the Senate, subject
13 to authority of the committee chair.

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

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

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

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

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

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

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

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

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

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

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

10 (1) maintain order as directed by the President or chair of
11 the Committee of the Whole;

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

13 (3) supervise the employees assigned to the Sergeant's
14 office;

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

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

20 **S10-120. Legislative aides.** Each Senator may designate one
21 person of legal age to serve as an aide during the session.
22 Exceptions to this policy may be approved by the Rules Committee.
23 The Senator shall register an aide with the Secretary of the Senate
24 and arrange for the purchase of a name tag with the
25 Sergeant-at-Arms.

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

S20-40. Senators called to order. When a Senator has been called to order, the Senator shall sit down until the presiding officer determines whether the Senator is in order or not. If the

1 Senator is called to order for words spoken in debate, the language
2 excepted to shall be taken down in writing by the Secretary of the
3 Senate.

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

8 **S20-60. Floor privileges.** (1) When the Senate is in session
9 no person is permitted in the chambers except:

- 10 (a) legislators;
11 (b) legislative officers and employees whose presence is
12 necessary for the conduct of business of the session;
13 (c) accredited members of the news media; and
14 (d) former legislators (not currently registered as
15 lobbyists).

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

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

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

25 CHAPTER 3

26 Committees

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

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

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

11 (4) The Senate may change the membership of any committee on
12 1 day's notice.

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

- 15 (1) Agriculture, Livestock, and Irrigation
16 (2) Bills and Journal
17 (3) Business and Industry
18 (4) Education and Cultural Resources
19 (5) Finance and Claims
20 (6) Fish and Game
21 (7) Highways and Transportation
22 (8) Judiciary
23 (9) Labor and Employment Relations
24 (10) Legislative Administration
25 (11) Local Government
26 (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. Chair's duties. (1) The chair 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 signing them.

(2) After adjournment of the session, the chair shall turn the original and two complete copies of the minutes over to the Secretary of the Senate who shall deliver them unbound to the Legislative Council librarian who will arrange to have them copied on microform. A microform copy will be provided to the Legislative Council and the State Law Library of Montana. The Legislative Fiscal Analyst will receive a microform copy of the minutes of the Committee on Finance and Claims. After microforming, the original minutes will be delivered to the Montana Historical Society.

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

1 subject of the hearing in a conspicuous public place not less than
2 3 legislative days in advance of the hearing. This 3-day notice
3 requirement does not apply to hearings scheduled:

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

5 (b) less than 7 legislative days before the transmittal
6 deadline applicable to the subject of the hearing; or

7 (c) to consider confirmation of a gubernatorial appointment
8 received less than 10 legislative days before the last scheduled
9 day of a legislative session.

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

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

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

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

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

1 the committee report.

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

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

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

12 (2) The chair of a committee shall introduce, or shall
13 designate a member of the committee to introduce, legislation
14 requested by the committee.

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

17 CHAPTER 4

18 Legislation

19 **S40-10. Types of legislation.** The only types of legislation
20 that may be introduced in the Senate are those that have been
21 drafted and approved by the Legislative Council and signed by a
22 Senator. The types of legislation allowed include:

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

24 (2) joint resolutions, which may:

25 (a) express desire, opinion, sympathy, or request of the
26 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 duplicate 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.

(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

1 bill shall again be placed on third reading in the Senate to
2 determine if the required number of votes has been cast.

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

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

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

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

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

25 (3) Any three Senators may submit written objections to the
26 Secretary of the Senate, and the legislation must then be removed

1 from the consent calendar and added to the regular second reading
2 agenda.

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

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

8 CHAPTER 5

9 Floor Action

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

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

- 16 (1) communications and petitions;
- 17 (2) reports of standing committees;
- 18 (3) reports of select committees;
- 19 (4) messages from the Governor;
- 20 (5) messages from the House of Representatives;
- 21 (6) motions;
- 22 (7) first reading and commitment of bills;
- 23 (8) second reading of bills (Committee of the Whole);
- 24 (9) third reading of bills and consent calendar bills;
- 25 (10) unfinished business;
- 26 (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 the Senator has introduced or proposed the motion or question under debate, in which case the Senator 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;
- (6) to lay on the table;
- (7) for the previous question;
- (8) to limit, extend the limits of, or to close debate;
- (9) to amend an undebatable motion;

1 (10) to divide a question;
2 (11) to pass business in Committee of the Whole;
3 (12) to take from the table;
4 (13) a decision of the presiding officer, unless appealed or
5 unless the presiding officer submits the question to the Senate for
6 advice or decision; and
7 (14) all incidental motions, such as motions relating to
8 voting or other questions of a general procedural nature.
9 **S50-70. Amending motions.** No more than one amendment and no
10 more than one substitute motion may be made to a motion. This rule
11 permits the main motion and two modifying motions.
12 **S50-80. Previous question.** (1) Except as provided in
13 subsection (2) of this rule, the effect of calling for the previous
14 question, if adopted, is to close debate immediately, to prevent
15 the offering of amendments or other subsidiary motions, and to
16 bring to vote promptly the immediately pending main question and
17 the adhering subsidiary motions, whether on appeal or otherwise.
18 (2) When the previous question is ordered on any debatable
19 question on which there has been no debate, the question may be
20 debated for one-half hour, one-half of such time to be given to the
21 proponents and one-half to the opponents.
22 (3) A call of the Senate is not in order after the previous
23 question is ordered unless it appears upon an actual count by the
24 presiding officer that a quorum is not present.
25 **S50-90. Reconsideration.** (1) Any Senator may, on the day the
26 vote was taken or on the next day the Senate is in session, move to

1 reconsider the question.
2 (2) A motion to reconsider may not be withdrawn after such
3 next legislative day without the unanimous consent of the Senate,
4 and thereafter any Senator may call it up for consideration;
5 however, a motion to reconsider made after the 54th day of the
6 session shall be disposed of when made.
7 (3) A motion to recall a bill from the House of
8 Representatives constitutes notice to reconsider and shall be acted
9 on as a motion to reconsider. A motion to reconsider or to recall
10 a bill from the House of Representatives may be made only under
11 Order of Business No. 6 and, under that order of business, takes
12 precedence over all motions except motions to recess or adjourn.
13 (4) When a motion to reconsider is laid on the table, a
14 two-thirds majority is required to take it from the table. When a
15 motion to reconsider fails, the question is finally and
16 conclusively settled.
17 (5) If a motion to reconsider third reading action is
18 carried, there shall be no further action until the succeeding
19 legislative day.
20 **S50-100. Dividing a question.** A Senator may move to divide a
21 question if it includes two or more propositions so distinct in
22 substance that if one thing is taken away a substantive question
23 will remain.
24 **S50-110. Conference committee reports.** When a conference
25 committee report is filed with the Secretary of the Senate, the
26 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 chair 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.

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

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

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

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

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

24 **S50-190. Pairs.** (1) Two Senators may pair on a question that
25 will be determined by a majority vote. On a question requiring a
26 two-thirds vote for adoption, three Senators may pair, with two

1 Senators for the question and one Senator against. Pairing is
2 permitted only when one of the paired Senators is excused when the
3 vote is taken.

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

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

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

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

16 (3) On a call of the Senate, a Senator who refuses to attend
17 may be arrested by the Sergeant-at-Arms or any other person, as the
18 majority of such Senators present shall direct. When the attendance
19 of an absent Senator is secured and the Senate refuses to excuse
20 the Senator's absence, the Senator shall not be paid any expense
21 payments while absent and is liable for the expenses incurred in
22 procuring the Senator's 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 order
25 except a motion to adjourn or remove the call. The call may be
26 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 the Governor 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 research each nominee and may request biographical information from the Governor for each nominee if none has been provided.

(b) The committee chair shall submit a bill draft request for a simple resolution to include the nominees specified by the committee chair. These bill draft requests will not count against any bill draft request limit imposed on members. When the resolution has been prepared and introduced, the committee shall hold a hearing on the resolution after appropriate public notice has been made.

(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

1 group of nominees, considered by the Senate separately from the
2 group of nominees recommended by the committee, the Senator may
3 request of the chair of the committee that the nominee or nominees
4 be considered by a separate resolution.

5 (b) A Senator must request separate consideration of a
6 nominee within 3 days of receipt of the preliminary standing
7 committee report. The committee chair shall honor this request.

8 (4) After waiting 3 days from the day of distribution of the
9 preliminary standing committee report, the committee chair shall
10 issue a final standing committee report and deliver the report to
11 the Secretary of the Senate.

12 (a) If a nominee is to be separated from the resolution, the
13 final standing committee report shall include an amendment deleting
14 that nominee.

15 (b) When a nominee has been separated at the request of a
16 Senator, the committee chair shall submit a bill draft request for
17 a simple resolution to include only the nominee so separated. When
18 the resolution has been prepared and introduced, the committee
19 shall take executive action on the resolution. When a hearing on
20 the separated nomination was held prior to the committee's
21 preliminary standing committee report, no additional hearing need
22 be held before the committee takes action on the separate
23 resolution. After the committee's executive action, the committee
24 chair shall issue a standing committee report.

25 (5) If a resolution contains only one nominee, the committee
26 shall dispense with the preliminary standing committee report and

1 shall issue a final standing committee report to be distributed to
2 each Senator stating the committee's recommendation concerning the
3 nominee.

4 (6) The Secretary will read the reports under Order of
5 Business No. 2, reports of standing committees.

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

10 Appendix A

11 List of Questions Requiring Other Than a Majority Vote

12 The following questions require the vote specified:

- 13 (1) a call of the Senate with a quorum (five Senators);
14 (2) a motion to lift a call of the Senate (two-thirds of the
15 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 (two-thirds);
18 (5) a motion to approve a bill to appropriate the principal
19 of the coal trust fund (three-fourths of each house);
20 (6) a motion to approve a bill to appropriate highway revenue
21 as described in Article VIII, section 6, of the Montana
22 Constitution for purposes other than therein described
23 (three-fifths of each house);
24 (7) a motion to approve a bill proposing to amend the Montana
25 Constitution (two-thirds of the entire Legislature); and
26 (8) an appeal of the ruling of the presiding officer (one

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1 Senator, seconded by two other Senators).

2 -END-