

## 1 SENATE RESOLUTION NO. 1

2 INTRODUCED BY HARP

3 BY REQUEST OF THE SENATE RULES COMMITTEE

4  
5 A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA ADOPTING RULES TO GOVERN THE  
6 PROCEEDINGS OF THE SENATE.7  
8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

9 That the following rules be adopted.

## 10 RULES OF THE MONTANA

11 SENATE

12 CHAPTER 1

13 Administration

14 **S10-10. Officers of the Senate.** The officers of the Senate are the officers listed and elected in  
15 accordance with Title 5, chapter 2, part 2, MCA.16 **S10-20. Term of office.** The term of office for the officers and employees of the Senate established  
17 by law shall be until the succeeding Legislature is organized. Nothing in this rule shall be construed to mean  
18 the staff will be full-time employees during an interim.19 **S10-30. President pro tempore and other officers.** (1) The Senate shall, at the beginning of each  
20 regular session, and at such other times as may be necessary, elect a Senator President pro tempore.21 (2) The Senate shall choose its other officers and shall be the judge of the elections, returns, and  
22 qualifications of the Senators.23 **S10-40. Voting by presiding officer.** Any Senator, when acting as presiding officer of the Senate,  
24 shall vote as any other Senator.25 **S10-50. Presiding officer and duties.** (1) The presiding officer of the Senate shall be the President  
26 of the Senate who shall be chosen in accordance with law.27 (2) The President shall take the chair on every legislative day at the hour to which the Senate  
28 adjourned at the last sitting.29 (3) The President may name a Senator to perform the duties of the chair when the President pro  
30 tempore is not present in the Senate chamber. The Senator who is named is vested during such time with

1 all the powers of the President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (5) The chair of the Legislative Administration Committee may, upon approval of the President,  
17 have purchase orders and requisitions prepared and forwarded to the accounting office in the Legislative  
18 Council Services Division.

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

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

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

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

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

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

- 1 (2) serving as parliamentary advisor to the Senate;
- 2 (3) compiling and maintaining the calendar for approval by the President;
- 3 (4) keeping the leadership informed on the progress and workload of the Senate;
- 4 (5) transmitting bills with appropriate messages to the House of Representatives as instructed by
- 5 action of the Senate;
- 6 (6) keeping and maintaining records of the Senate; and
- 7 (7) supervision of the Senate employees, except as otherwise provided.

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

- 9 (1) maintain order as directed by the President or chair of the Committee of the Whole;
- 10 (2) enforce the lobbying rules of the Senate;
- 11 (3) supervise the employees assigned to the Sergeant's office;
- 12 (4) receive, distribute, and maintain supplies, equipment, and other inventory of the Senate, along
- 13 with records of purchase and disposal in accordance with law;
- 14 (5) perform such duties as required by other rules and the Senate.

15 **S10-120. Legislative aides.** Each Senator may designate one person of legal age to serve as an aide

16 during the session. Exceptions to this policy may be approved by the Rules Committee. The Senator shall

17 register an aide with the Secretary of the Senate and arrange for the purchase of a name tag with the

18 Sergeant-at-Arms.

19 **S10-130. Senate journal.** (1) The Senate shall keep and authenticate a journal of its proceedings

20 as required by law and the rules.

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

22 the President.

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

- 24 (a) committee reports;
- 25 (b) every motion, the name of the Senator presenting it, and its disposition;
- 26 (c) the introduction of legislation in the Senate;
- 27 (d) consideration of legislation subsequent to introduction;
- 28 (e) roll call votes;
- 29 (f) messages from the Governor and the House of Representatives;
- 30 (g) every amendment, the name of the Senator presenting it, and its disposition;

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

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

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

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

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

## 12 CHAPTER 2

### 13 Decorum

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

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

- 18 (1) affecting the collective rights, safety, dignity, or integrity of the proceedings of the Senate; and  
19 (2) affecting the rights, reputation, or conduct of individual Senators in their capacity as Senators.

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

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

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



- 1           ~~(6)~~(7) Fish and Game  
 2           ~~(7)~~(8) Highways and Transportation  
 3           ~~(8)~~(9) Judiciary  
 4           ~~(9)~~(10) Labor and Employment Relations  
 5           ~~(10)~~(11) Legislative Administration  
 6           ~~(11)~~(12) Local Government  
 7           ~~(12)~~(13) Natural Resources  
 8           ~~(13)~~(14) Public Health, Welfare, and Safety  
 9           ~~(14)~~(15) Rules  
 10           ~~(15)~~(16) State Administration  
 11           ~~(16)~~(17) Taxation

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

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

17           **S30-50. Chair's duties.** (1) The chair of a committee is the presiding officer of that committee and  
 18 is responsible for maintaining order within the committee room and its environs, scheduling hearings and  
 19 executive action, supervising committee work, and authenticating committee reports and minutes by signing  
 20 them. Committee minutes must comply with 2-3-212, MCA, and must contain a summary of the witness  
 21 testimony, a summary of the discussion by the committee, and the action taken by the committee.

22           (2) After adjournment of the session, the chair shall turn the original and two complete copies of  
 23 the minutes over to the Secretary of the Senate who shall deliver them unbound to the Legislative Council  
 24 Services Division librarian who will arrange to have them copied on ~~microform~~ in an archivable format. A  
 25 ~~microform~~ copy will be provided to the Legislative Council Services Division and the State Law Library of  
 26 Montana. The Legislative Fiscal Analyst will receive a ~~microform~~ copy of the minutes of the Committee  
 27 on Finance and Claims. After ~~microforming~~ copying, the original minutes will be delivered to the Montana  
 28 Historical Society.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

16          **S30-140. Ethics Committee.** The Ethics Committee shall meet only upon the call of the chair after  
 17 the referral of an issue from the Rules Committee. The Rules Committee shall recommend procedures to  
 18 the Senate for the referral of matters to the Ethics Committee.

19   CHAPTER 4

20   Legislation

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

- 24           (1) bills of any subject, except appropriations;
- 25           (2) joint resolutions, which may:
  - 26           (a) express desire, opinion, sympathy, or request of the Legislature;
  - 27           (b) request an interim study by a legislative subcommittee;
  - 28           (c) adopt or amend the joint rules;
  - 29           (d) set salaries and other terms of employment for legislative employees; and
  - 30           (e) accomplish other legislative duties required by law; and

- 1 (3) simple resolutions, which may:  
2 (a) adopt or amend Senate rules;  
3 (b) provide for the internal affairs of the Senate;  
4 (c) express confirmation of the Governor's appointments;  
5 (d) make recommendations concerning the districting and apportionment plan as provided by Article  
6 V, section 14(4), of the Montana Constitution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 CHAPTER 5

30 Floor Action

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

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

- 5           (1) communications and petitions;
- 6           (2) reports of standing committees;
- 7           (3) reports of select committees;
- 8           (4) messages from the Governor;
- 9           (5) messages from the House of Representatives;
- 10          (6) motions;
- 11          (7) first reading and commitment of bills;
- 12          (8) second reading of bills (Committee of the Whole);
- 13          (9) third reading of bills and consent calendar bills;
- 14          (10) unfinished business;
- 15          (11) special orders of the day; and
- 16          (12) announcement of committee meetings.

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

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

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

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

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

- 1 and subsidiary 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 section have precedence in the order listed.
- 13 (3) A question may be indefinitely postponed by a majority roll call of all Senators present and  
14 voting. When a bill or resolution is postponed indefinitely, it is finally rejected and may not be acted upon  
15 again during the biennium except upon a motion of reconsideration.
- 16 (4) No motion or proposition on a subject different from that under consideration shall be admitted  
17 under color of amendment or substitute.
- 18 **S50-60. Nondebatable motions.** The following motions are not debatable:
- 19 (1) to adjourn;
  - 20 (2) for a call of the Senate;
  - 21 (3) to recess;
  - 22 (4) for parliamentary inquiry;
  - 23 (5) for suspension of the rules;
  - 24 (6) to lay on the table;
  - 25 (7) for the previous question;
  - 26 (8) to limit, extend the limits of, or to close debate;
  - 27 (9) to amend an undebatable motion;
  - 28 (10) to divide a question;
  - 29 (11) to pass business in Committee of the Whole;
  - 30 (12) to take from the table;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7           (2) After a Committee of the Whole has been formed, the President shall appoint a chair to preside.

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

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

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

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

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

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

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

22           (a) amend;

23           (b) recommend passage or nonpassage;

24           (c) recommend concurrence or nonconcurrence;

25           (d) indefinitely postpone;

26           (e) pass consideration;

27           (f) rise;

28           (g) rise and report; or

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

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

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

3 **S50-160. Voting on second reading.** (1) On Order of Business No. 8, in addition to other methods,  
4 a recorded vote may be made in the following manner: the chair may call for a voice vote to accept or  
5 reject a question. If the vote is other than unanimous, the chair may ask that the lesser number on the  
6 question indicate their vote by standing. The Secretary will then record the vote of those standing. The  
7 chair may then rule that unless excused those not standing and present have voted on the prevailing side  
8 of the question and that their vote be recorded as such. If there was a unanimous voice vote, all those  
9 present will be recorded as having voted for the question.

10 (2) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of  
11 the Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is  
12 considered to have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in"  
13 fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be  
14 concurred in", is considered to have passed.

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

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

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

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

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

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



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

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

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

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

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

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

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

## 19 CHAPTER 6

### 20 Rules

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

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

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

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

## 30 CHAPTER 7

## 1 Nominations from the Governor

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

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

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

10 (a) received by the President;

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

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

13 (d) referred to committee.

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

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

16 **S70-30. Committee process.** (1) (a) The committee shall research each nominee and may request  
17 biographical information from the Governor for each nominee if none has been provided.

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

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

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

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

29 (4) After waiting 3 days from the day of distribution of the preliminary standing committee report,  
30 the committee chair shall issue a final standing committee report and deliver the report to the Secretary of

1 the Senate.

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

4 (b) When a nominee has been separated at the request of a Senator, the committee chair shall  
5 submit a bill draft request for a simple resolution to include only the nominee so separated. When the  
6 resolution has been prepared and introduced, the committee shall take executive action on the resolution.  
7 When a hearing on the separated nomination was held prior to the committee's preliminary standing  
8 committee report, no additional hearing need be held before the committee takes action on the separate  
9 resolution. After the committee's executive action, the committee chair shall issue a standing committee  
10 report.

11 (5) If a resolution contains only one nominee, the committee shall dispense with the preliminary  
12 standing committee report and shall issue a final standing committee report to be distributed to each  
13 Senator stating the committee's recommendation concerning the nominee.

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

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

#### 19 Appendix A

##### 20 List of Questions Requiring Other Than a Majority Vote

21 The following questions require the vote specified:

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

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

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

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

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

28 (6) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section  
29 6, of the Montana Constitution for purposes other than therein described (three-fifths of each house);

30 (7) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the

1 entire Legislature); and

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

3 -END-

APPROVED BY COM ON RULES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

SENATE RESOLUTION NO. 1

INTRODUCED BY HARP

BY REQUEST OF THE SENATE RULES COMMITTEE

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

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

1 all the powers of the President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (5) The chair of the Legislative Administration Committee may, upon approval of the President,  
17 have purchase orders and requisitions prepared and forwarded to the accounting office in the Legislative  
18 ~~Council~~ Services Division.

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

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

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

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

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

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

- 1 (2) serving as parliamentary advisor to the Senate;
- 2 (3) compiling and maintaining the calendar for approval by the President;
- 3 (4) keeping the leadership informed on the progress and workload of the Senate;
- 4 (5) transmitting bills with appropriate messages to the House of Representatives as instructed by
- 5 action of the Senate;
- 6 (6) keeping and maintaining records of the Senate; and
- 7 (7) supervision of the Senate employees, except as otherwise provided.

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

- 9 (1) maintain order as directed by the President or chair of the Committee of the Whole;
- 10 (2) enforce the lobbying rules of the Senate;
- 11 (3) supervise the employees assigned to the Sergeant's office;
- 12 (4) receive, distribute, and maintain supplies, equipment, and other inventory of the Senate, along
- 13 with records of purchase and disposal in accordance with law;
- 14 (5) perform such duties as required by other rules and the Senate.

15 **S10-120. Legislative aides.** Each Senator may designate one person of legal age to serve as an aide

16 during the session. Exceptions to this policy may be approved by the Rules Committee. The Senator shall

17 register an aide with the Secretary of the Senate and arrange for the purchase of a name tag with the

18 Sergeant-at-Arms.

19 **S10-130. Senate journal.** (1) The Senate shall keep and authenticate a journal of its proceedings

20 as required by law and the rules.

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

22 the President.

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

- 24 (a) committee reports;
- 25 (b) every motion, the name of the Senator presenting it, and its disposition;
- 26 (c) the introduction of legislation in the Senate;
- 27 (d) consideration of legislation subsequent to introduction;
- 28 (e) roll call votes;
- 29 (f) messages from the Governor and the House of Representatives;
- 30 (g) every amendment, the name of the Senator presenting it, and its disposition;



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

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

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

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

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

## 12 CHAPTER 2

### 13 Decorum

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

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

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

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

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

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

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

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

3           (a) legislators;

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

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

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

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

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

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

14   CHAPTER 3

15   Committees

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

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

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

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

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

25           (1) Agriculture, Livestock, and Irrigation

26           (2) Bills and Journal

27           (3) Business and Industry

28           (4) Education and Cultural Resources

29           (5) Ethics

30           ~~(6)~~ (6) Finance and Claims

- 1           ~~(6)~~(7) Fish and Game  
 2           ~~(7)~~(8) Highways and Transportation  
 3           ~~(8)~~(9) Judiciary  
 4           ~~(9)~~(10) Labor and Employment Relations  
 5           ~~(10)~~(11) Legislative Administration  
 6           ~~(11)~~(12) Local Government  
 7           ~~(12)~~(13) Natural Resources  
 8           ~~(13)~~(14) Public Health, Welfare, and Safety  
 9           ~~(14)~~(15) Rules  
 10          ~~(15)~~(16) State Administration  
 11          ~~(16)~~(17) Taxation

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

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

17           **S30-50. Chair's duties.** (1) The chair of a committee is the presiding officer of that committee and  
 18 is responsible for maintaining order within the committee room and its environs, scheduling hearings and  
 19 executive action, supervising committee work, and authenticating committee reports and minutes by signing  
 20 them. Committee minutes must comply with 2-3-212, MCA, and must contain a summary of the witness  
 21 testimony, a summary of the discussion by the committee, and the action taken by the committee.

22           (2) After adjournment of the session, the chair shall turn the original and two complete copies of  
 23 the minutes over to the Secretary of the Senate who shall deliver them unbound to the Legislative ~~Council~~  
 24 Services Division librarian who will arrange to have them copied on ~~microform~~ in an archivable format. A  
 25 ~~microform~~ copy will be provided to the Legislative ~~Council~~ Services Division and the State Law Library of  
 26 Montana. The Legislative Fiscal Analyst will receive a ~~microform~~ copy of the minutes of the Committee  
 27 on Finance and Claims. After ~~microforming~~ copying, the original minutes will be delivered to the Montana  
 28 Historical Society.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 (3) simple resolutions, which may:
- 2 (a) adopt or amend Senate rules;
- 3 (b) provide for the internal affairs of the Senate;
- 4 (c) express confirmation of the Governor's appointments;
- 5 (d) make recommendations concerning the districting and apportionment plan as provided by Article
- 6 V, section 14(4), of the Montana Constitution.

7 **S40-20. Introduction.** (1) Upon receiving a bill or resolution in duplicate from a Senator, the

8 Secretary of the Senate shall assign an appropriate sequential number, which constitutes introduction of

9 the legislation.

10 (2) Bills and resolutions may be preintroduced, assigned to committee, and printed prior to the

11 legislative session. The Legislative ~~Council~~ Services Division shall be responsible for ~~assuring~~ ensuring the

12 preintroduction intent from each Senator and presenting such legislation to the Secretary of the Senate.

13 (3) Upon referral to committee, the Secretary of the Senate shall publicly post a listing of the bill

14 or resolution by a summary of its title, together with a notation of the committee to which it has been

15 assigned.

16 **S40-30. Additional sponsors.** (1) Additional sponsors may be added on motion of the chief sponsor

17 at any time prior to a standing committee report on the bill or resolution. Forms for adding sponsors will

18 be supplied on request by the Secretary of the Senate.

19 (2) Upon passage of the motion, the names of the additional sponsors will be printed in the journal

20 and the form containing the signatures of the additional sponsors will be forwarded to the Legislative

21 ~~Council~~ Services Division with the original bill for the inclusion of the names in subsequent printings of the

22 bill or resolution.

23 **S40-40. Reading limitations.** (1) Except for consent calendar bills, every bill shall be read three times

24 prior to passage, either by title or by summary of title as provided in these rules.

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

26 legislative day.

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

28 **S40-50. Rules for questions requiring other than a majority vote.** (1) When a question requires more

29 than a majority vote for final passage, a majority vote is sufficient to decide any question relating to the

30 question prior to third reading.

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

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

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

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

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

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

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

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

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

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

29 CHAPTER 5

30 Floor Action

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

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

- 5           (1) communications and petitions;
- 6           (2) reports of standing committees;
- 7           (3) reports of select committees;
- 8           (4) messages from the Governor;
- 9           (5) messages from the House of Representatives;
- 10          (6) motions;
- 11          (7) first reading and commitment of bills;
- 12          (8) second reading of bills (Committee of the Whole);
- 13          (9) third reading of bills and consent calendar bills;
- 14          (10) unfinished business;
- 15          (11) special orders of the day; and
- 16          (12) announcement of committee meetings.

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

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

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

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

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



and subsidiary 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 section have precedence in the order listed.

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

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

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

- 19 (1) to adjourn;
- 20 (2) for a call of the Senate;
- 21 (3) to recess;
- 22 (4) for parliamentary inquiry;
- 23 (5) for suspension of the rules;
- 24 (6) to lay on the table;
- 25 (7) for the previous question;
- 26 (8) to limit, extend the limits of, or to close debate;
- 27 (9) to amend an undebatable motion;
- 28 (10) to divide a question;
- 29 (11) to pass business in Committee of the Whole;
- 30 (12) to take from the table;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7           (2) After a Committee of the Whole has been formed, the President shall appoint a chair to preside.

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

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

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

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

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

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

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

22           (a) amend;

23           (b) recommend passage or nonpassage;

24           (c) recommend concurrence or nonconcurrence;

25           (d) indefinitely postpone;

26           (e) pass consideration;

27           (f) rise;

28           (g) rise and report; or

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

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

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

3           **S50-160. Voting on second reading.** (1) On Order of Business No. 8, in addition to other methods,  
4 a recorded vote may be made in the following manner: the chair may call for a voice vote to accept or  
5 reject a question. If the vote is other than unanimous, the chair may ask that the lesser number on the  
6 question indicate their vote by standing. The Secretary will then record the vote of those standing. The  
7 chair may then rule that unless excused those not standing and present have voted on the prevailing side  
8 of the question and that their vote be recorded as such. If there was a unanimous voice vote, all those  
9 present will be recorded as having voted for the question.

10           (2) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of  
11 the Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is  
12 considered to have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in"  
13 fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be  
14 concurred in", is considered to have passed.

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

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

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

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

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

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

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

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

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

8 **§50-200. Call of the Senate.** (1) In the absence of a quorum, a majority of Senators present may  
9 compel the attendance of absent Senators by ordering a call of the Senate.

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

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

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

19 **§50-210. HOUSE AMENDMENTS TO SENATE LEGISLATION.** (1) WHEN THE HOUSE HAS  
20 PROPERLY RETURNED SENATE LEGISLATION WITH HOUSE AMENDMENTS, THE SENATE SHALL  
21 ANNOUNCE THE AMENDMENTS ON ORDER OF BUSINESS NO. 5 AND THE PRESIDENT SHALL PLACE  
22 THEM ON SECOND READING FOR DEBATE. THE PRESIDENT MAY REREFER SENATE LEGISLATION WITH  
23 HOUSE AMENDMENTS TO A COMMITTEE FOR A HEARING IF THE HOUSE AMENDMENTS CONSTITUTE  
24 A SIGNIFICANT CHANGE IN THE SENATE LEGISLATION. THE SECOND READING VOTE IS LIMITED TO  
25 CONSIDERATION OF THE HOUSE AMENDMENTS.

26 (2) IF THE SENATE ACCEPTS HOUSE AMENDMENTS, THE SENATE SHALL PLACE THE FINAL  
27 FORM OF THE LEGISLATION ON THIRD READING TO DETERMINE IF THE LEGISLATION, AS AMENDED,  
28 IS PASSED OR IF THE REQUIRED VOTE IS OBTAINED.

29 (3) IF THE SENATE REJECTS THE HOUSE AMENDMENTS, THE SENATE MAY REQUEST THE  
30 HOUSE TO RECEDE FROM ITS AMENDMENTS OR MAY DIRECT APPOINTMENT OF A CONFERENCE

1 COMMITTEE AND REQUEST THE HOUSE TO APPOINT A LIKE COMMITTEE.

2 CHAPTER 6

3 Rules

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

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

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

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

13 CHAPTER 7

14 Nominations from the Governor

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

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

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

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

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

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

29 **S70-30. Committee process.** (1) (a) The committee shall research each nominee and may request  
30 biographical information from the Governor for each nominee if none has been provided.

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

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

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

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

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

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

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

24 (5) If a resolution contains only one nominee, the committee shall dispense with the preliminary  
25 standing committee report and shall issue a final standing committee report to be distributed to each  
26 Senator stating the committee's recommendation concerning the nominee.

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

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

1 be debated.

2

Appendix A

3

List of Questions Requiring Other Than a Majority Vote

4

The following questions require the vote specified:

5

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

6

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

7

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

8

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

9

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

10

each house);

11

(6) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section

12

6, of the Montana Constitution for purposes other than therein described (three-fifths of each house);

13

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

14

entire Legislature); and

15

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

16

-END-