

1 SENATE RESOLUTION NO. 1  
 2 INTRODUCED BY F. THOMAS  
 3 BY REQUEST OF THE SENATE RULES STANDING COMMITTEE  
 4  
 5 A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA REVISING AND ADOPTING THE SENATE  
 6 RULES.

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

17 **S10-20. Term of office.** The term of office for the officers and employees of the Senate established by  
18 law ~~shall be~~ is until the succeeding Legislature is organized. ~~Nothing in this~~ This rule shall may not be construed  
19 to mean the staff will be full-time employees during an interim.

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

22 (2) The Senate shall choose its other officers and ~~shall be~~ is the judge of the elections, returns, and  
23 qualifications of the Senators.

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

26 **S10-50. Presiding officer and duties.** (1) The presiding officer of the Senate ~~shall be~~ is the President  
27 of the Senate, who ~~shall~~ must be chosen in accordance with law.

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

30 (3) The President may name a Senator to perform the duties of the chair when the President pro

1 tempore is not present in the Senate chamber. The Senator who is named is vested during ~~such~~ that time with  
2 all the powers of the President.

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

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

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

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

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

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

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

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

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

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

27 (b) If the President is absent for ~~two~~ 2 or more legislative days or at any time after the 85th legislative  
28 day or at any time during special session of the Legislature but able and desirous of appointing an acting  
29 President to act when the President is absent, the President may do so, or the members of the President's  
30 political party ~~shall~~ have the right to immediately nominate and elect an acting President of the same party.

1 (c) An acting President of the Senate ~~shall have~~ has the powers of the President and ~~supersede~~  
2 supersedes the 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~~ has the responsibility and authority to assume the duties of  
5 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, operations,  
8 and expenditures.

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

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

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

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

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

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

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

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

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

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

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

- 1 (3) compiling and maintaining the calendar for approval by the President;
- 2 (4) keeping the leadership informed on the progress and workload of the Senate;
- 3 (5) transmitting bills with appropriate messages to the House of Representatives as instructed by action  
4 of the Senate;
- 5 (6) keeping and maintaining records of the Senate; and
- 6 (7) supervision of the Senate employees, except as otherwise provided.
- 7 **S10-110. Sergeant-at-Arms duties.** Under the direction of the President, the Sergeant-at-Arms shall:
- 8 (1) maintain order as directed by the President or chair of the Committee of the Whole;
- 9 (2) enforce the lobbying rules of the Senate;
- 10 (3) supervise the employees assigned to the Sergeant's office;
- 11 (4) receive, distribute, and maintain supplies, equipment, and other inventory of the Senate, along with  
12 records of purchase and disposal in accordance with law;
- 13 (5) perform ~~such~~ duties as required by other rules and the Senate.
- 14 **S10-120. Legislative aides.** Each Senator may designate one person of legal age to serve as an aide  
15 during the session. Exceptions to this policy may be approved by the Rules Committee. The Senator shall  
16 register an aide with the Secretary of the Senate and arrange for the purchase of a name tag with the  
17 Sergeant-at-Arms.
- 18 **S10-130. Senate journal.** (1) The Senate shall keep and authenticate a journal of its proceedings as  
19 required by law and the rules.
- 20 (2) The Secretary of the Senate will supervise the preparation of the journal under the direction of the  
21 President.
- 22 (3) In addition to the proceedings required by law to be recorded, the journal must include:
- 23 (a) committee reports;
- 24 (b) every motion, the name of the Senator presenting it, and its disposition;
- 25 (c) the introduction of legislation in the Senate;
- 26 (d) consideration of legislation subsequent to introduction;
- 27 (e) roll call votes;
- 28 (f) messages from the Governor and the House of Representatives;
- 29 (g) every amendment, the name of the Senator presenting it, and its disposition;
- 30 (h) the names of Senators and their votes on any question upon a request by two Senators before a

1 vote is taken; and

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

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

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

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

## 11 CHAPTER 2

### 12 Decorum

13 **S20-10. Questions of order.** The President of the Senate shall decide all questions of order, subject  
14 to an appeal by any Senator seconded by two other Senators. ~~No~~ A Senator may not speak more than once on  
15 an appeal without the consent of a majority of the Senate.

16 **S20-20. Questions of privilege.** (1) Questions of privilege in order of precedence are those:

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

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

19 (2) A Senator may not address the Senate on a question of privilege between the time:

20 (a) an undebatable motion is offered and the vote is taken on the motion;

21 (b) the previous question is ordered and the vote is taken on the proposition included under the previous  
22 question; or

23 (c) a motion to lay on the table is offered and the vote is taken on the motion.

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

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

1 Senate.

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

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

7 (a) legislators;

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

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

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

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

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

15 **S20-70. Distribution of materials on floor.** ~~No materials~~ Materials may not be distributed on the  
16 Senators' desks in the chamber unless the material bears the signature of the bearer and a Senator and has  
17 been approved by the President.

18 **S20-80. Violation of rules.** (1) If a Senator, in speaking or otherwise, violates the rules of the Senate,  
19 the President shall, or the majority or minority floor leader may, call the Senator to order, in which case the  
20 Senator called to order must be seated immediately.

21 (2) The Senator called to order may move for an appeal to the Senate, and if the motion is seconded  
22 by two Senators, the matter must be submitted to the Senate for determination by majority vote. The motion is  
23 nondebatable.

24 (3) If the decision of the Senate is in favor of the Senator called to order, the Senator may proceed. If  
25 the decision is against the Senator, the Senator may not proceed.

26 (4) If a Senator is called to order, the matter may be referred to the Rules Committee by the minority  
27 or majority leader. The Committee may recommend to the Senate that the Senator be censured or be subject  
28 to other action. The Senate shall act upon the recommendation of the Committee.

29 **CHAPTER 3**

30 **Committees**

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

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

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

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

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

- 10           (1) Agriculture, Livestock, and Irrigation  
 11           ~~(2) Bills and Journal~~  
 12           ~~(3)(2)~~ Business and Labor  
 13           ~~(4)(3)~~ Education and Cultural Resources  
 14           ~~(5)(4)~~ Energy and Telecommunications  
 15           ~~(6)(5)~~ Ethics  
 16           ~~(7)(6)~~ Finance and Claims  
 17           ~~(8)(7)~~ Fish and Game  
 18           ~~(9)(8)~~ Highways and Transportation  
 19           ~~(10)(9)~~ Judiciary  
 20           ~~(11)(10)~~ Legislative Administration  
 21           ~~(12)(11)~~ Local Government  
 22           ~~(13)(12)~~ Natural Resources  
 23           ~~(14)(13)~~ Public Health, Welfare, and Safety  
 24           ~~(15)(14)~~ Rules  
 25           ~~(16)(15)~~ State Administration  
 26           ~~(17)(16)~~ Taxation

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

30           **S30-40. Ex officio members -- quorum.** (1) A quorum of a committee is a majority of the members of

1 the committee. A quorum of a committee must be present at a meeting to act officially. A quorum of a  
2 committee may transact business, and a majority of the quorum, even though it is a minority of the committee,  
3 is sufficient for committee action.

4 (2) Each floor leader is an ex officio member of all committees in order to establish a quorum.

5 **S30-50. Chair's duties.** (1) The chair of a committee is the presiding officer of that committee and is  
6 responsible for:

7 (a) maintaining order within the committee room and its environs;

8 (b) scheduling hearings and executive action;

9 (c) supervising committee work, including the appointment of subcommittees to act on a formal or  
10 informal basis; and

11 (d) authenticating committee reports and minutes by signing them and submitting them promptly to the  
12 Secretary of the Senate.

13 (2) After adjournment of the session, the chair shall turn the original and two complete copies of the  
14 minutes over to the Secretary of the Senate who shall deliver them unbound to the Legislative Services Division  
15 librarian who will arrange to have them copied ~~on microform~~ in an electronic format. ~~A microform~~ An electronic  
16 copy will be provided to the Legislative Services Division and the State Law Library of Montana. ~~The Legislative~~  
17 ~~Fiscal Analyst will receive a microform copy of the minutes of the Finance Committee.~~ After microforming, the  
18 original minutes will must be delivered to the Montana Historical Society.

19 **S30-60. Meetings.** (1) All meetings of committees must be open to the public at all times, subject  
20 always to the power and authority of the chair to maintain safety, order, and decorum. The date, time, and place  
21 of committee meetings must be announced.

22 (2) A committee or subcommittee may be assembled for:

23 (a) a public hearing at which testimony is to be heard and at which official action may be taken on bills,  
24 resolutions, or other matters;

25 (b) a formal meeting at which the committees may discuss and take official action on bills, resolutions,  
26 or other matters without testimony; or

27 (c) a work session at which the committee may discuss bills, resolutions, or other matters but take no  
28 formal action.

29 (3) All committees meet at the call of the chair or upon the request of a majority of the members of the  
30 committee.



1 (4) All committees shall provide for and give public notice, reasonably calculated to give actual notice  
2 to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are  
3 encouraged to provide at least 3 legislative days' notice to members of committees and the general public.  
4 However, subject to S30-120, a meeting may be held upon notice appropriate to the circumstances.

5 (5) A committee may not meet during the time the Senate is in session without leave of the President.  
6 Any Senator attending a meeting while the Senate is in session must be considered excused to attend business  
7 of the Senate subject to a call of the Senate.

8 (6) All meetings of committees must be recorded and the minutes must be available to the public within  
9 a reasonable time after the meeting. The official record must contain at least the following information:

10 (a) the time and place of each meeting of the committee;

11 (b) committee members present, excused, or absent;

12 (c) the names and addresses of persons appearing before the committee, whom each represents, and  
13 whether the person is a proponent, opponent, or other witness;

14 (d) all motions and their disposition;

15 (e) the results of all votes; and

16 (f) all testimony and exhibits.

17 (7) If a bill is heard in a joint committee, it must be referred to a standing committee. The standing  
18 committee is not required to hold an additional hearing but may report the bill to the committee of the whole.

19 **S30-70. Procedures.** (1) The chair shall notify the sponsor of any bill pending before the committee  
20 of the time and place it will be considered.

21 (2) A standing or select committee may not hear legislation unless the sponsor or one of the cosponsors  
22 is present or unless the sponsor has given written consent.

23 (3) (a) Subject to subsection (3)(b), the committee shall act on each bill in its possession:

24 (i) by reporting the bill out of the committee:

25 (A) with the recommendation that it be referred to another committee;

26 (B) favorably as to passage; or

27 (C) unfavorably; or

28 (ii) by ~~tabling~~ or indefinitely postponing OR TABLING the measure in committee.

29 (b) At the written request of the sponsor, a committee may finally dispose of a bill without a hearing.

30 Except as provided in S30-60(7), a bill may not be reported from a committee without a hearing.

- 1           (4) The committee may not report a bill to the Senate without recommendation.
- 2           (5) In reporting a measure out of committee, a committee shall include in its report:
- 3           (a) the measure in the form reported out;
- 4           (b) the recommendation of the committee;
- 5           (c) an identification of all substantive changes; and
- 6           (d) a fiscal note, if required.
- 7           (6) If a measure is taken from a committee and brought to the Senate floor for debate on second
- 8 reading on that day without a committee recommendation, the bill does not include amendments formally
- 9 adopted by the committee.
- 10          (7) A second to any motion offered in a committee is not required in order for the motion to be
- 11 considered by the committee.
- 12          (8) The vote of each member on all committee actions must be recorded and reported in the committee
- 13 minutes. All motions may be adopted only on the affirmative vote of a majority of the members voting.
- 14          (9) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the
- 15 members present at any meeting of the committee.
- 16          (10) An action formally taken by a committee may not be altered in the committee except by
- 17 reconsideration and further formal action of the committee.
- 18          (11) A committee may reconsider any action as long as the matter remains in the possession of the
- 19 committee. A bill is in the possession of the committee until a report on the bill is made to the committee of the
- 20 whole. A committee member need not have voted with the prevailing side in order to move reconsideration.
- 21          (12) The chair shall decide points of order.
- 22          (13) The privileges of committee members include the following:
- 23          (a) to participate freely in committee discussions and debate;
- 24          (b) to offer motions;
- 25          (c) to assert points of order and privilege;
- 26          (d) to question witnesses upon recognition by the chair;
- 27          (e) to offer any amendment to any bill; and
- 28          (f) to vote, either by being present or by proxy, using a standard form.
- 29          (14) Any meeting of a committee held through the use of telephone or other electronic communication
- 30 must be conducted in accordance with Chapter 3 of the Senate Rules.

1 (15) A committee may consolidate into one bill any two or more related bills referred to it whenever  
 2 legislation may be simplified by the consolidation.

3 (16) Committee procedure must be informal, but when any questions arise on committee procedure, the  
 4 rules or practices of the Senate are applicable except as stated in the Senate Rules.

5 **S30-80. Public testimony.** (1) Testimony from proponents, opponents, and informational witnesses  
 6 must be allowed on every bill or resolution before a standing or select committee. All persons, other than the  
 7 sponsor, offering testimony shall complete a "Witness Form" and submit it to the committee secretary.

8 (2) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a  
 9 reasonable opportunity to do so, orally or in writing, subject to time constraints. Written testimony may not be  
 10 required of any witness, but all witnesses must be encouraged to submit a statement in writing for the  
 11 committee's official record.

12 (3) The chair may order the committee room cleared of visitors if there is disorderly conduct. During  
 13 committee meetings, visitors may not speak unless called upon by the chair. Restrictions on time available for  
 14 testimony may be announced.

15 (4) The number of people in a committee room may not exceed the maximum posted by the State Fire  
 16 Marshall. The chair shall maintain that limit.

17 (5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication  
 18 equipment is allowed, but the chair may designate the areas of the hearing room from which the equipment must  
 19 be operated. Cell phone use is at the discretion of the chair.

20 **S30-60 S30-90. Committee reports to Senate.** (1) Reports of standing committees shall must be read  
 21 on Order of Business No. 2, and, subject to subsection (4), no debate may not be had on any report unless a  
 22 minority report has been submitted. A minority report is submitted after a majority report.

23 ~~(2) Committee reports may recommend approval or disapproval, with or without amendment. They may~~  
 24 ~~not be reported to the Senate without recommendation.~~

25 ~~(3)~~(2) Any Senator seeking a reconsideration of the Senate's action on the adoption of a committee  
 26 report shall do so on Order of Business No. 6 by motion to reconsider. Any Senator may make ~~such~~ the  
 27 reconsideration motion and need not have voted on the prevailing side. This rule applies notwithstanding any  
 28 joint rule to the contrary. The reconsideration motion must be made within 1 legislative day of the adoption of  
 29 the committee report.

30 ~~(4)~~(3) The Rules Committee and conference committees may report at any time, except during a call

1 of the Senate or when a vote is being taken.

2 (4) On an adverse committee report, the sponsor may respond to the chair of the committee making  
3 the report.

4 ~~S30-70.~~ **S30-100. Pairs.** Pairs in standing committee are prohibited. Standing and select committees  
5 may by a majority vote of the committee authorize Senators to vote in absentia while engaged in other legislative  
6 business. Authorization for ~~such~~ absentee or proxy voting ~~shall~~ must be reflected in the committee minutes.

7 ~~S30-80.~~ **S30-110. Committee hearings.** (1) ~~No~~ A bill or resolution ~~shall~~ may not be considered or  
8 become a law unless referred to a committee and returned ~~therefrom~~ from a committee.

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

10 ~~S30-90.~~ **S30-120. Notice of committee hearings -- exceptions.** (1) Notice of a committee hearing  
11 must be made by posting the date, time, and subject of the hearing in a conspicuous public place not less than  
12 3 legislative days in advance of the hearing. This 3-day notice requirement does not apply to hearings  
13 scheduled:

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

15 (b) less than ~~7~~ 10 legislative days before the transmittal deadline applicable to the subject of the  
16 hearing; or

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

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

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

22 ~~S30-100.~~ **S30-130. Majority/minority reports.** If the members of a committee cannot agree on a report,  
23 the majority and minority of the committee present at a committee meeting may submit separate reports. Only  
24 one minority report may be submitted. ~~Such~~ The reports ~~shall~~ must be entered at length on the journal, unless  
25 otherwise ordered by the Senate.

26 ~~S30-110.~~ **S30-140. Reconsideration in committee.** Except for the Committee of the Whole, a  
27 committee may at any time prior to submitting a report to the Secretary of the Senate reconsider its previous  
28 action on legislation.

29 ~~S30-120~~ **S30-150. Committee requested legislation.** (1) ~~(A) At~~ EXCEPT AS PROVIDED IN SUBSECTION  
30 (1)(B), AT least three-fourths of all the members of a standing committee must have voted in favor of the question

1 to allow the committee to request the introduction of legislation.

2 (B) THE FINANCE AND CLAIMS COMMITTEE MAY REQUEST THE INTRODUCTION OF LEGISLATION BY A MAJORITY  
3 VOTE OF ALL OF THE MEMBERS OF THE COMMITTEE.

4 (2) The chair of a committee shall introduce, or shall designate a member of the committee to introduce,  
5 legislation requested by the committee. The introduced bill must be referred to the requesting committee.

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

7 ~~S30-130.~~ S30-160. Ethics Committee. (1) The Ethics Committee shall meet only upon the call of the  
8 chair after the referral of an issue from the Rules Committee. The Rules Committee may be convened to  
9 consider the referral of a matter to the Ethics Committee upon the request of a Senator. The Rules Committee  
10 shall prepare a written statement of the specific question or issue to be addressed by the Ethics Committee. The  
11 issues referred to the Ethics Committee must be related to the actions of a Senator during a legislative session.

12 (2) The matters that may be referred to the Ethics Committee are:

13 (a) a violation of:

14 (i) 2-2-103;

15 (ii) 2-2-104;

16 (iii) 2-2-111;

17 (iv) 2-2-112;

18 (b) the use or threatened use of a Senator's position for personal or personal business benefit or  
19 advantage; or

20 (c) any other violation of law by a Senator while acting in the capacity of Senator.

21 (3) If there is a recommendation from the Ethics Committee, the recommendation is made to the Senate.

## 22 CHAPTER 4

### 23 Legislation

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

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

28 (2) joint resolutions, which may:

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

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

- 1 (c) adopt or amend the joint rules;
- 2 (d) set salaries and other terms of employment for legislative employees; and
- 3 (e) accomplish other legislative duties required by law; and
- 4 (3) simple resolutions, which may:
- 5 (a) adopt or amend Senate rules;
- 6 (b) provide for the internal affairs of the Senate;
- 7 (c) express confirmation of the Governor's appointments;
- 8 (d) make recommendations concerning the districting and apportionment plan as provided by Article
- 9 V, section 14(4), of the Montana Constitution.

10 **S40-20. Introduction.** (1) Upon receiving a bill or resolution from a Senator, the Secretary of the Senate

11 shall assign an appropriate sequential number, which constitutes introduction of the legislation.

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

13 legislative session. The Legislative Services Division ~~shall be~~ is responsible for ~~assuring~~ ensuring the

14 preintroduction intent from each Senator and presenting ~~such~~ the preintroduced legislation to the Secretary of

15 the Senate.

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

17 resolution by a summary of its title, together with a notation of the committee to which it has been assigned.

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

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

20 supplied on request by the Secretary of the Senate.

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

22 the form containing the signatures of the additional sponsors will be forwarded to the Legislative Services

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

24 **S40-40. Reading limitations.** (1) Every bill ~~shall~~ must be read three times prior to passage, either by

25 title or by summary of title as provided in these rules.

26 (2) ~~No~~ A bill or resolution ~~shall~~ may not have more than one reading on the same day except the last

27 legislative day.

28 (3) ~~No~~ An amendment may not be offered on third reading.

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

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

1 prior to third reading.

2 (2) Any vote in the Senate on a bill proposing an amendment to the Montana Constitution under  
3 circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of  
4 the Legislature will cause the bill to progress as though it had received the majority vote. This rule does not  
5 prevent a committee from tabling or indefinitely postponing OR TABLING a bill proposing an amendment to the  
6 Montana Constitution.

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

10 **S40-60. Scheduling for second reading.** (1) All bills and resolutions that have been reported by a  
11 committee, accepted by the Senate, and reproduced ~~shall~~ must be scheduled for consideration by Committee  
12 of the Whole.

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

15 (3) ~~Legislation~~ The majority leader shall be arranged arrange legislation on the agenda in ~~numerical~~ the  
16 order unless in which the bills are grouped as companion bills or are placed in order bills will be considered,  
17 unless otherwise ordered by the Senate or Committee of the Whole.

## 18 CHAPTER 5

### 19 Floor Action

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

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

- 24 (1) communications and petitions;
- 25 (2) reports of standing committees;
- 26 (3) reports of select committees;
- 27 (4) messages from the Governor;
- 28 (5) messages from the House of Representatives;
- 29 (6) motions;
- 30 (7) first reading and commitment of bills;

- 1 (8) second reading of bills (Committee of the Whole);
- 2 (9) third reading of bills;
- 3 (10) unfinished business;
- 4 (11) special orders of the day; and
- 5 (12) announcement of committee meetings.

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

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

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

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

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

- 19 (a) to adjourn;
  - 20 (b) for a call of the Senate;
  - 21 (c) to recess;
  - 22 (d) question of privilege;
  - 23 (e) to lay on the table;
  - 24 (f) for the previous question;
  - 25 (g) to postpone to a certain day;
  - 26 (h) to refer or commit;
  - 27 (i) to amend; and
  - 28 (j) to postpone indefinitely.
- 29 (2) The motions listed in subsection (1) have precedence in the order listed.
- 30 (3) A question may be indefinitely postponed by a majority roll call of all Senators present and voting.



1 When a bill or resolution is postponed indefinitely, it is finally rejected and may not be acted upon again ~~during~~  
 2 ~~the biennium~~ except upon a motion of reconsideration.

3 (4) ~~No~~ A motion or proposition on a subject different from that under consideration ~~shall~~ may not be  
 4 admitted under color of amendment or substitute.

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

6 (1) to adjourn;

7 (2) for a call of the Senate;

8 (3) to recess or rise;

9 (4) for parliamentary inquiry;

10 (5) for suspension of the rules;

11 (6) to lay on the table;

12 (7) for the previous question;

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

14 (9) to amend an undebatable motion;

15 (10) to divide a question;

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

17 (12) to take from the table;

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

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

22 **S50-70. Amending motions.** (1) ~~No~~ Subject to subsection (2), no more than one amendment and no  
 23 more than one substitute motion may be made to a motion. This rule permits the main motion and two modifying  
 24 motions.

25 (2) A motion for a call of the Senate, for the previous question, to table, or to take from the table may  
 26 not be amended.

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

1 (2) When the previous question is ordered on any debatable question on which there has been no  
2 debate, the question may be debated for one-half hour, one-half of ~~such~~ that time to be given to the proponents  
3 and one-half to the opponents. The sponsor of the main motion on which the previous question is adopted may  
4 close on the motion.

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

7 **S50-90. Reconsideration.** (1) Any Senator may, on the day the vote was taken or on the next day the  
8 Senate is in session, move to reconsider the question. A motion to reconsider is a debatable motion, but the  
9 debate is limited to the motion. The debate on a motion to reconsider may not address the substance of the  
10 matter for which reconsideration is sought.

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

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

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

20 (5) If a motion to reconsider third reading action is carried, there ~~shall be no~~ may not be further action  
21 until the succeeding legislative day.

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

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

28 (2) If both the Senate and the House of Representatives adopt the same conference committee report  
29 on legislation requiring more than a majority vote for final passage, the Senate, following approval of the  
30 conference committee report on third reading, shall place the final form of the legislation on third reading to

1 determine if the required vote is obtained.

2 (3) If the Senate rejects a conference committee report, the committee continues to exist unless  
3 dissolved by the President or by motion. The committee may file a subsequent report.

4 (4) A Senate conference committee may confer regarding matters assigned to it with any House  
5 conference committee with like jurisdiction and submit recommendations for consideration of the Senate.

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

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

9 (3) All legislation considered in the Committee of the Whole ~~shall~~ must be read by a summary of its title.  
10 ~~Proposed~~ Unless the sponsor requests an opening statement beforehand, proposed amendments ~~shall~~ must  
11 be considered; and then the bill ~~shall~~ must be considered in its entirety.

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

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

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

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

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

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

23 (a) amend;

24 (b) recommend passage or nonpassage;

25 (c) recommend concurrence or nonconcurrence;

26 (d) indefinitely postpone;

27 (e) pass consideration;

28 (f) rise;

29 (g) rise and report; ~~or~~

30 (h) rise and report progress and ask leave to sit again; or

1 (i) change the order in which legislation is placed on the agenda.

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

4 (2) The ~~committee~~ Committee of the Whole may not punish its members for misconduct, but may report  
5 disorder to the Senate.

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

13 (2) A motion on second reading must be disposed of by a positive vote.

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

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

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

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

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

28 (3) A Senator may move to change the Senator's vote, on any recorded vote, within 1 legislative day  
29 of the vote. The Senator making the motion shall first specify the bill number, the date of the vote, and the  
30 original vote tally. A vote may not be changed if it would affect the outcome of legislation. The motion is

1 nondebatable. If none of the Senators present object, the change must be entered into the journal.

2 (4) If any Senator objects to the request in subsection (3), the Senator making the request may move  
3 to suspend the rules to allow the Senator to change the Senator's vote.

4 (5) An error caused by a malfunction of the voting system may be corrected without a vote within 10  
5 minutes of the malfunction.

6 **S50-190. Pairs.** (1) Two Senators may pair on a question that will be determined by a majority vote. On  
7 a question requiring a two-thirds vote for adoption, three Senators may pair, with two Senators for the question  
8 and one Senator against. Pairing is permitted only when one of the paired Senators is excused when the vote  
9 is taken. ~~The Senators who have paired are considered present for the purposes of the vote on a question:~~

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

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

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

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

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

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

26 **S50-210. House amendments to Senate legislation.** (1) When the House has properly returned  
27 Senate legislation with House amendments, the Senate shall announce the amendments on Order of Business  
28 No. 5 and the President shall place them on second reading for debate. The President may rerefer Senate  
29 legislation with House amendments to a committee for a hearing if the House amendments constitute a  
30 significant change in the Senate legislation. The second reading vote is limited to consideration of the House

1 amendments.

2 (2) If the Senate accepts House amendments, the Senate shall place the final form of the legislation  
3 on third reading to determine if the legislation, as amended, is passed or if the required vote is obtained.

4 (3) If the Senate rejects the House amendments, the Senate may request the House to recede from  
5 its amendments or may direct appointment of a conference committee and request the House to appoint a like  
6 committee.

7 **S50-220. Governor's amendments.** (1) When the Governor returns a bill with recommended  
8 amendments, the Senate shall announce the amendments under Order of Business No. 4.

9 (2) The Senate may debate and adopt or reject the Governor's recommended amendments on second  
10 reading on any legislative day.

11 (3) If both the Senate and the House of Representatives accept the Governor's recommended  
12 amendments on a bill that requires more than a majority vote for final passage, the Senate shall place the final  
13 form of the legislation on third reading to determine if the required vote is obtained.

14 **S50-230. Governor's veto.** (1) When the Governor returns a bill with a veto, the Senate shall announce  
15 the veto under Order of Business No. 4.

16 (2) On any legislative day, a Senator may move to override the Governor's veto by a two-thirds vote  
17 under Order of Business No. 6.

## 18 CHAPTER 6

### 19 Rules

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

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

24 **S60-20. Mason's Manual of Legislative Procedure.** Mason's Manual of Legislative Procedure (2000)  
25 governs the proceedings of the Senate in all cases not covered by these rules.

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

## 29 CHAPTER 7

### 30 Nominations from the Governor

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

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

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

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

13           (2) The ~~above~~ procedure in subsection (1) constitutes introduction and first reading of the nominations.

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

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

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

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

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

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

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

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

3 (b) When a nominee has been separated at the request of a Senator, the committee chair shall submit  
4 a bill draft request for a simple resolution to include only the nominee so separated. When the resolution has  
5 been prepared and introduced, the committee shall take executive action on the resolution. When a hearing  
6 on the separated nomination was held prior to the committee's preliminary standing committee report, ~~no~~ an  
7 additional hearing ~~need~~ is not required to be held before the committee takes action on the separate resolution.  
8 After the committee's executive action, the committee chair shall issue a standing committee report.

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

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

13 (7) ~~Thereafter~~ After the report has been read, the resolution must be placed on Order of Business No.  
14 11 the next legislative day for consideration by the Senate. Motions to approve or disapprove of the resolution  
15 are in order and may be debated.

### 16 Appendix A

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

18 The following questions require the vote specified:

- 19 (1) a call of the Senate with a quorum (five Senators);  
20 (2) a motion to lift a call of the Senate (two-thirds of the member s present and voting);  
21 (3) a motion to amend or suspend rules (two-thirds);  
22 (4) a motion to override the Governor's veto (two-thirds);  
23 (5) a motion to approve a bill to appropriate the principal of the coal trust fund (three-fourths of each  
24 house);  
25 (6) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of  
26 the Montana Constitution for purposes other than therein described (three-fifths of each house);  
27 (7) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the entire  
28 Legislature);  
29 (8) an appeal of the ruling of the presiding officer (one Senator, seconded by two other Senators); ~~and~~  
30 (9) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the



1 Montana Constitution (two-thirds); and  
2 (10) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund  
3 (two-thirds).

4 - END -