

1 judge of the elections, returns, and qualifications of the
2 Senators.

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

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

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

12 (3) The President may name a Senator to perform the duties
13 of the President when the President pro tempore is not present in
14 the Senate chamber. The Senator who is named is vested during
15 that time with all the powers of the President.

16 (4) The President has general control over the assignment
17 of rooms for the Senate and shall preserve order and decorum. The
18 President may order the galleries and lobbies cleared in case of
19 disturbance or disorderly conduct.

20 (5) The President shall sign all necessary certifications
21 of the Senate, including enrolled bills and resolutions,
22 journals, subpoenas, and payrolls. The President's signature must
23 be attested by the Secretary of the Senate.

24 (6) The President shall approve the calendar for each
25 legislative day.

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

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

3 (8) The President of the Senate is the authorized approving
4 authority of the Senate during the term of election to that
5 office.

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

9 **s10-60. Succession.** (1) In case of the absence or
10 disqualification of the President, the President pro tempore of
11 the Senate shall perform the duties of the President until the
12 vacancy is filled or the disability removed.

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

16 (a) If the President dies while in office, the members of
17 the Senate have the right to immediately nominate and elect an
18 acting President of the same party.

19 (b) If the President is absent for 2 or more legislative
20 days or at any time after the 85th legislative day or at any time
21 during special session of the Legislature and wants to appoint an
22 acting President during the President's absence, the President
23 may do so, or the members of the Senate have the right to
24 immediately nominate and elect an acting President of the
25 President's caucus.

26 (c) An acting President of the Senate has the powers of the
27 President and supersedes the powers of the President pro tempore.

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

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

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

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

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

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

22 **S10-90. Majority Leader.** The primary functions of the
23 majority leader usually relate to floor duties. The duties of the
24 majority leader may include but are not limited to:

25 (1) being the lead speaker for the majority party during
26 floor debates;

27 (2) helping the President develop the calendar;

1 (3) assisting the President with program development,
2 policy formation, and policy decisions;

3 (4) presiding over the majority caucus meetings; and

4 (5) other duties as assigned by the caucus.

5 **S10-100. Majority Whip.** The duties of the majority whip may
6 include but are not limited to:

7 (1) assisting the majority leader;

8 (2) ensuring member attendance;

9 (3) counting votes;

10 (4) generally communicating the majority position; and

11 (5) other duties as assigned by the caucus.

12 **S10-110. Minority Leader.** The minority leader is the
13 principal leader of the minority caucus. The duties of the
14 minority leader may include but are not limited to:

15 (1) developing the minority position;

16 (2) negotiating with the majority party;

17 (3) directing minority caucus activities on the chamber
18 floor;

19 (4) leading debate for the minority; and

20 (5) other duties as assigned by the caucus.

21 **S10-120. Minority Whip.** The major responsibilities for the
22 minority whip may include but are not limited to:

23 (1) assisting the minority leader on the floor;

24 (2) counting votes;

25 (3) ensuring attendance of minority party members; and

26 (4) other duties as assigned by the caucus.

27 **S10-130. Senate employees.** (1) In addition to the employees

1 appointed by the President in accordance with section 5-2-221,
2 MCA, the Senate shall employ staff recommended by the leadership
3 and the Legislative Administration Committee as necessary to
4 perform the functions of the Senate.

5 (2) The Secretary of the Senate shall designate a secretary
6 to take and prepare written minutes of committee meetings for
7 each standing committee. A committee secretary is immediately
8 responsible to the chair, but shall work under the overall
9 direction of the Secretary of the Senate, subject to authority of
10 the committee chair.

11 (3) The President, majority leader, and minority leader may
12 each appoint a private secretary.

13 **S10-140. Secretary of the Senate and duties.** The Secretary
14 of the Senate works under the direction of the President. The
15 responsibilities of the Secretary of the Senate include:

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

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

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

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

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

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

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

1 **S10-150. Sergeant-at-Arms duties.** Under the direction of the
2 President, the Sergeant-at-Arms shall:

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

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

6 (3) supervise the employees assigned to the Sergeant's
7 office;

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

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

13 **S10-160. Legislative aides.** Each Senator may designate one
14 person of legal age to serve as an aide during the session.
15 Exceptions to this policy may be approved by the Rules Committee.
16 The Senator shall register an aide with the Secretary of the
17 Senate and arrange for the purchase of a name tag with the
18 Sergeant-at-Arms.

19 **S10-170. Senate journal.** (1) The Senate shall keep and
20 authenticate a journal of its proceedings as required by law and
21 the rules.

22 (2) The Secretary of the Senate will supervise the
23 preparation of the journal by the journal clerks trained by the
24 Legislative Services Division under the direction of the
25 President.

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

1 (a) committee reports;

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

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

5 (d) consideration of legislation subsequent to
6 introduction;

7 (e) roll call votes;

8 (f) messages from the Governor and the House of
9 Representatives;

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

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

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

15 (4) The Secretary of the Senate shall provide information
16 that may be necessary for the preparation of the daily journal
17 for printing by the Legislative Services Division. Upon approval
18 by the President, the daily journal must be reproduced and made
19 available.

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

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

1 Questions of privilege in order of precedence are those:

2 (a) affecting the collective rights, safety, dignity, or
3 integrity of the proceedings of the Senate; and

4 (b) affecting the rights, reputation, or conduct of
5 individual Senators in their capacity as Senators.

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

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

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

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

14 **S20-40. Recognition by chair.** A Senator desiring to speak
15 shall rise and address the presiding officer and, once being
16 recognized, shall speak standing in place. The presiding officer
17 may grant permission for a speaker to speak from elsewhere in the
18 chamber. When two or more Senators rise at the same time, the
19 presiding officer shall name the order of the speakers.

20 **S20-50. Floor privileges.** (1) When the Senate is in session
21 no person is permitted in the chambers except:

22 (a) legislators;

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

25 (c) registered representatives of the media; and

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

1 committee assignments, the Committee on Committees shall take
2 into consideration the recommendations of the minority leader for
3 minority committee assignments.

4 (3) The minority leader shall designate the ranking minority
5 member for each standing committee.

6 ~~(3)~~(4) The President of the Senate shall appoint all
7 conference committees and special committees, with the advice of
8 the majority leader and minority leader.

9 ~~(4)~~(5) The Senate may change the membership of any
10 committee on 1 day's notice.

11 **S30-20. Standing committees -- classification.** (1) The
12 standing committees of the Senate are as follows:

13 (a) class one committees:

14 (i) Business, Labor, and Economic Affairs;

15 (ii) Finance and Claims;

16 (iii) Judiciary; and

17 (iv) Taxation;

18 (b) class two committees:

19 (i) Education and Cultural Resources;

20 (ii) Local Government;

21 (iii) Natural Resources;

22 (iv) Public Health, Welfare, and Safety; and

23 (v) State Administration;

24 (c) class three committees:

25 (i) Agriculture, Livestock, and Irrigation;

26 (ii) Energy and Telecommunications;

27 (iii) Fish and Game; and

1 (iv) Highways and Transportation; and

2 (d) on call committees:

3 (i) Ethics;

4 (ii) Legislative Administration; and

5 (iii) Rules.

6 (2) A class 1 committee is scheduled to meet Monday through
7 Friday. A class 2 committee is scheduled to meet Monday,
8 Wednesday, and Friday. A class 3 committee is scheduled to meet
9 Tuesday and Thursday. Unless a class is prescribed for a
10 committee, it meets upon the call of the chair.

11 (3) The Legislative Council shall review the workload of
12 the standing committees to determine if any change is indicated
13 in the class of a standing committee for the next legislative
14 session. The Legislative Council's recommendations must be
15 submitted to the leadership nominated or elected at the
16 pre-session caucus provided for in 5-2-201.

17 **S30-40. Ex officio members -- quorum.** (1) A quorum of a
18 committee is a majority of the members of the committee. A
19 quorum of a committee must be present at a meeting to act
20 officially. A quorum of a committee may transact business, and a
21 majority of the quorum, even though it is a minority of the
22 committee, is sufficient for committee action.

23 (2) The majority leader and the minority leader are ex
24 officio nonvoting members of all committees in order to establish
25 a quorum.

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

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

3 (b) scheduling hearings and executive action;

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

6 (d) authenticating committee reports by signing them and
7 submitting them promptly to the Secretary of the Senate. The
8 chair shall sign business reports reflecting action taken in each
9 committee meeting that enable the preparation of committee
10 minutes. The minutes must be printed on archival paper.

11 (2) The Secretary of the Senate shall arrange to have the
12 minutes copied in an electronic format. An electronic copy will
13 be provided to the Legislative Services Division and the State
14 Law Library of Montana. The archival paper copy must be delivered
15 to the Montana Historical Society.

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

21 (2) Notice of a committee hearing must be made by posting
22 the date, time, and subject of the hearing in a conspicuous
23 public place not less than 3 legislative days in advance of the
24 hearing. This 3-day notice requirement does not apply to hearings
25 scheduled:

26 (a) prior to the third legislative day;

27 (b) less than 10 legislative days before the transmittal

1 deadline applicable to the subject of the hearing;

2 (c) to consider confirmation of a gubernatorial appointment
3 received less than 10 legislative days before the last scheduled
4 day of a legislative session; or

5 (d) due to appropriate circumstances.

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

9 (4) Notice of conference committee hearings must be given
10 as provided in Joint Rule 30-30.

11 (5) A committee or subcommittee may be assembled for:

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

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

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

20 (6) All committees meet at the call of the chair or upon
21 the request of a majority of the members of the committee.

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

27 (8) All meetings of committees must be recorded and the

1 minutes must be available to the public within a reasonable time
2 after the meeting. The official record must contain at least the
3 following information:

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

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

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

9 (d) all motions and their disposition;

10 (e) the results of all votes; and

11 (f) all testimony and exhibits.

12 (9) If a bill is heard in a joint committee, it must be
13 referred to a standing committee. The standing committee is not
14 required to hold an additional hearing but shall take executive
15 action and may report the bill to the Committee of the Whole.

16 (10) A bill or resolution may not be considered or become a
17 law unless referred to a committee and returned from a committee.

18 (11) A bill may be rereferred at any time before its
19 passage.

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

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

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

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

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

4 (B) favorably as to passage; or

5 (C) unfavorably; or

6 (ii) by tabling the measure in committee.

7 (b) At the written request of the sponsor made at least 48
8 hours prior to a scheduled hearing, a committee shall finally
9 dispose of a bill without a hearing. Except as provided in
10 S30-60(9), a bill may not be reported from a committee without a
11 hearing.

12 (4) The committee may not report a bill to the Senate
13 without recommendation.

14 (5) In reporting a measure out of committee, a committee
15 shall include in its report:

16 (a) the measure in the form reported out;

17 (b) the recommendation of the committee;

18 (c) an identification of all proposed changes; and

19 (d) a fiscal note, if required.

20 (6) If a measure is taken from a committee and brought to
21 the Senate floor for debate on second reading on that day without
22 a committee recommendation, the bill does not include amendments
23 formally adopted by the committee because committee amendments
24 are merely recommendations to the Senate that are formally
25 adopted when the committee report is accepted by the Senate.

26 (7) A second to any motion offered in a committee is not
27 required in order for the motion to be considered by the

1 committee.

2 (8) The vote of each member on all committee actions must
3 be recorded and reported in the committee minutes. All motions
4 may be adopted only on the affirmative vote of a majority of the
5 members voting.

6 (9) A motion to take a bill from the table may be adopted
7 by the affirmative vote of a majority of the members present at
8 any meeting of the committee.

9 (10) An action formally taken by a committee may not be
10 altered in the committee except by reconsideration and further
11 formal action of the committee.

12 (11) A committee may reconsider any action as long as the
13 matter remains in the possession of the committee. A bill is in
14 the possession of the committee until a report on the bill is
15 made to the Committee of the Whole. A committee member need not
16 have voted with the prevailing side in order to move
17 reconsideration.

18 (12) The chair shall decide points of order.

19 (13) The privileges of committee members include the
20 following:

21 (a) to participate freely in committee discussions and
22 debate;

23 (b) to offer motions;

24 (c) to assert points of order and privilege;

25 (d) to question witnesses upon recognition by the chair;

26 (e) to offer any amendment to any bill; and

27 (f) to vote, either by being present or by proxy, using a

1 standard form.

2 (14) (a) During a committee public hearing or during
3 committee executive action, a committee member may not use an
4 electronic device to transmit electronic communication to or from
5 a third party on matters before the committee.

6 (b) A committee member may use an electronic device for
7 reference and research purposes during a committee public hearing
8 or during committee executive action.

9 ~~(14)~~(15) Any meeting of a committee held through the use of
10 telephone or other electronic communication must be conducted in
11 accordance with Chapter 3 of the Senate Rules.

12 ~~(15)~~(16) A committee may consolidate into one bill any two
13 or more related bills referred to it whenever legislation may be
14 simplified by the consolidation.

15 ~~(16)~~(17) Committee procedure must be informal, but when any
16 questions arise on committee procedure, the rules or practices of
17 the Senate are applicable except as stated in the Senate Rules.

18 **S30-80. Public testimony -- decorum -- time restrictions.**

19 (1) Testimony from proponents, opponents, and informational
20 witnesses must be allowed on every bill or resolution before a
21 standing or select committee. All persons, other than the
22 sponsor, offering testimony shall register on the committee
23 witness list.

24 (2) Any person wishing to offer testimony to a committee
25 hearing a bill or resolution must be given a reasonable
26 opportunity to do so, orally or in writing, subject to time
27 constraints. Written testimony may not be required of any

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1 witness, but all witnesses must be encouraged to submit a
2 statement in writing for the committee's official record.

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

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

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

15 **S30-100. Pairs prohibited -- absentee or proxy voting.** Pairs
16 in standing committee are prohibited. Standing and select
17 committees may by a majority vote of the committee authorize
18 Senators to vote in absentia. Authorization for absentee or proxy
19 voting must be reflected in the committee minutes.

20 **S30-140. Reconsideration in committee.** A committee may at
21 any time prior to submitting a report to the Secretary of the
22 Senate reconsider its previous action on legislation.

23 **S30-150. Committee requested legislation.** (1) (a) Except as
24 provided in subsection (1)(b), at least three-fourths of all the
25 members of a standing committee must have voted in favor of the
26 question to allow the committee to request the drafting and
27 introduction of legislation.

1 (b) The Finance and Claims Committee may request the
2 drafting and introduction of legislation by a majority vote of
3 all of the members of the committee.

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

8 **S30-160. Ethics Committee.** (1) The Ethics Committee shall
9 meet only upon the call of the chair after the referral of an
10 issue from the Rules Committee or to consider a request for a
11 determination pursuant to subsection (4). The Rules Committee may
12 be convened to consider the referral of a matter to the Ethics
13 Committee upon the request of a Senator. The Rules Committee
14 shall prepare a written statement of the specific question or
15 issue to be addressed by the Ethics Committee. The issues
16 referred to the Ethics Committee must be related to the actions
17 of a Senator during a legislative session.

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

20 (a) a violation of:

21 (i) 2-2-103;

22 (ii) 2-2-104;

23 (iii) 2-2-111;

24 (iv) 2-2-112;

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

27 (c) any other violation of law by a Senator while acting in

1 the capacity of Senator.

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

4 (4) As provided in 2-2-112, a Senator may seek a
5 determination from the Ethics Committee concerning the
6 possibility of a personal conflict of interest.

7 **CHAPTER 4**

8 **Legislation**

9 **S40-10. Types of legislation.** The only types of legislation
10 that may be introduced in the Senate are those that have been
11 drafted and approved by the Legislative Services Division and
12 signed by a Senator as chief sponsor. The types of legislation
13 allowed include:

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

15 (2) joint resolutions, which may be used for any purpose
16 specified in Joint Rule 40-60; and

17 (3) simple resolutions, which may:

18 (a) adopt or amend Senate rules;

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

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

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

24 **S40-20. Introduction -- first reading.** (1) Upon receiving a
25 bill or resolution from a Senator, the Secretary of the Senate
26 shall assign an appropriate sequential number, which constitutes
27 introduction of the legislation. Legislation properly introduced

1 or received in the Senate must be announced across the rostrum
2 and public notice provided. This announcement constitutes first
3 reading, and no debate or motion is in order except that a
4 Senator may question adherence to rules. Acknowledgment by the
5 Secretary of the Senate of receipt of legislation transmitted
6 from the House commences the time limit for consideration of the
7 legislation. All legislation received by the Senate may be
8 referred to a committee prior to being read across the rostrum.

9 (2) Bills and resolutions preintroduced as provided in
10 Joint Rule 40-40 may be assigned to committee and printed prior
11 to the legislative session. The Legislative Services Division is
12 responsible for ensuring the preintroduction intent from each
13 Senator and presenting the preintroduced legislation to the
14 Secretary of the Senate.

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

19 (4) The sponsor may ask the Legislative Services Division
20 to change or correct a short title used on the bill status
21 system.

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

27 (2) Upon passage of the motion, the names of the additional

1 sponsors will be printed in the journal and the form containing
2 the signatures of the additional sponsors will be forwarded to
3 the Legislative Services Division with the original bill for the
4 inclusion of the names in subsequent printings of the bill or
5 resolution.

6 **S40-40. Reading limitations.** (1) Every bill must be read
7 three times prior to passage, either by title or by summary of
8 title as provided in these rules.

9 (2) A bill or resolution may not have more than one reading
10 on the same day except the last legislative day.

11 (3) An amendment may not be offered on third reading.

12 **S40-60. Scheduling for second reading.** (1) All bills and
13 resolutions that have been reported by a committee or withdrawn
14 from a committee by motion, accepted by the Senate, and
15 reproduced must be scheduled for consideration by Committee of
16 the Whole prior to the transmittal deadlines provided for in
17 Joint Rule 40-200 that are applicable to each piece of
18 legislation.

19 (2) Until the 50th legislative day, 1 day must elapse
20 between receiving the legislation from printing and scheduling
21 for second reading for consideration by Committee of the Whole
22 unless a printed version of an unamended bill is available.

23 (3) The majority leader shall arrange legislation on the
24 agenda in the order in which the bills will be considered, unless
25 otherwise ordered by the Senate or Committee of the Whole.

26 **CHAPTER 5**

27 **Floor Action**

1 **S50-10. Attendance -- mandatory voting -- quorum.** (1)

2 Unless excused, Senators must be present at every sitting of the
3 Senate and shall vote on questions put before the Senate.

4 (2) A majority of the Senate shall constitute a quorum to
5 do business, but a smaller number may adjourn from day to day and
6 compel the attendance of absent Senators, in the manner and under
7 penalties as the Senate may prescribe (Montana Constitution, Art.
8 V, sec. 10(2)).

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

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

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

1 **S50-30. Limitations on debate.** A Senator may not speak more
2 than twice on any one motion or question without unanimous
3 consent of the Senate, unless the Senator has introduced or
4 proposed the motion or question under debate, in which case the
5 Senator may speak twice and also close the debate. However, a
6 Senator who has spoken may not speak again on the same motion or
7 question to the exclusion of a Senator who has not spoken.

8 **S50-40. Procedure upon offering a motion.** (1) When a motion
9 is offered it must be restated by the presiding officer. If
10 requested by the presiding officer or a Senator, it must be
11 reduced to writing, presented at the rostrum, and read aloud by
12 the Secretary.

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

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

- 18 (a) to adjourn (nondebatable S50-60);
- 19 (b) for a call of the Senate (nondebatable S50-60);
- 20 (c) to recess (nondebatable S50-60);
- 21 (d) question of privilege;
- 22 (e) to lay on the table (nondebatable S50-60);
- 23 (f) for the previous question (nondebatable S50-60);
- 24 (g) to postpone to a certain day;
- 25 (h) to refer or commit;
- 26 (i) to amend; and
- 27 (j) to postpone indefinitely.

1 (2) The motions listed in subsection (1) have precedence in
2 the order listed.

3 (3) A question may be indefinitely postponed by a majority
4 roll call of all Senators present and voting. When a bill or
5 resolution is postponed indefinitely, it is finally rejected and
6 may not be acted upon again except upon a motion of
7 reconsideration as provided in S50-90.

8 (4) A motion or proposition on a subject different from
9 that under consideration may not be accepted unless a substitute
10 motion is in order.

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

13 (1) to adjourn;

14 (2) for a call of the Senate;

15 (3) to recess or rise;

16 (4) for parliamentary inquiry;

17 (5) for suspension of the rules;

18 (6) to lay on the table;

19 (7) for the previous question;

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

21 (9) to amend an undebatable motion;

22 (10) to change a vote (S50-200);

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

24 (12) to take from the table;

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

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

3 **S50-70. Amending motions -- restrictions.** (1) Subject to
4 subsection (2), no more than one amendment and no more than one
5 substitute motion may be made to a motion. This rule permits the
6 main motion and two modifying motions.

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

9 **S50-80. Previous question.** (1) Except as provided in
10 subsection (2), the effect of calling for the previous question,
11 if adopted, is to close debate immediately, to prevent the
12 offering of amendments or other subsidiary motions, and to bring
13 to vote promptly the immediately pending main question and the
14 adhering subsidiary motions, whether on appeal or otherwise. The
15 motion for the previous question is nondebatable as provided in
16 S50-60(7).

17 (2) When the previous question is ordered on any debatable
18 question on which there has been no debate, the question may be
19 debated for one-half hour, one-half of that time to be given to
20 the proponents and one-half to the opponents. The sponsor of the
21 main motion on which the previous question is adopted may close
22 on the motion regardless of whether debate on the main motion has
23 occurred.

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

27 **S50-90. Reconsideration -- time restrictions.** (1) Subject to

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1 subsection (6), any Senator may, on the day the vote was taken or
2 on the next day the Senate is in session, move to reconsider the
3 question. A motion to reconsider is a debatable motion, but the
4 debate is limited to the motion. The debate on a motion to
5 reconsider may not address the substance of the matter for which
6 reconsideration is sought. However, an inquiry may be made
7 concerning the purpose of the motion to reconsider.

8 (2) A motion to reconsider must be disposed of when made
9 unless a proper substitute motion is made and adopted.

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

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

21 (5) If a motion to reconsider third reading action is
22 carried, there may not be further action until the succeeding
23 legislative day.

24 (6) If the Senate has adjourned for more than 2 days, then
25 a motion to reconsider action taken on the last day the Senate
26 was in session is in order on the day the Senate reconvenes or on
27 the following legislative day.

1 **S50-100. Dividing a question -- segregation excluded.** A
2 Senator may request to divide a question if it includes two or
3 more propositions so distinct in substance that if one thing is
4 taken away a substantive question will remain. A vote is not
5 required on a request to divide a question, but the chair may
6 rule that a question is not divisible. The ruling of the chair
7 may be appealed as provided in S20-10 and S20-20. For an appeal
8 of a ruling of the presiding officer, the question for the Senate
9 must be stated as, "Shall the ruling of the chair be upheld?". A
10 motion to segregate pursuant to S50-140(4) is not a request to
11 divide a question.

12 **S50-110. Rules for questions or bills requiring other than a**
13 **majority vote.** (1) Except as provided in subsection (2), a
14 question or bill requires more than a majority vote for final
15 passage, a majority vote is sufficient to decide any question
16 relating to the question or bill prior to third reading.

17 (2) Any vote in the Senate on a bill proposing an amendment
18 to the Montana Constitution under circumstances in which there
19 exists the mathematical possibility of obtaining the necessary
20 two-thirds vote of the Legislature will cause the bill to
21 progress as though it had received the majority vote. This rule
22 does not prevent a committee from indefinitely postponing or
23 tabling a bill proposing an amendment to the Montana
24 Constitution.

25 (3) If a bill has been amended in the House of
26 Representatives and the amendments are accepted by the Senate,
27 the bill must again be placed on third reading in the Senate to

1 determine if the required number of votes has been cast.

2 **S50-120. Committee reports to Senate -- reconsideration.** (1)

3 Reports of standing committees must be read on Order of Business
4 No. 2, and, subject to subsection (4), debate may not be had on
5 any report.

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

8 (3) Any Senator seeking a reconsideration of the Senate's
9 action on the adoption of a committee report shall do so on Order
10 of Business No. 6 by motion to reconsider as provided in S50-90.
11 Any Senator may make the reconsideration motion and need not have
12 voted on the prevailing side. This rule applies notwithstanding
13 any joint rule to the contrary. Subject to S50-90(6), the
14 reconsideration motion must be made within 1 legislative day of
15 the adoption of the committee report and is not in order if the
16 bill has been considered in Committee of the Whole.

17 (4) (a) Subject to subsection (4)(b), the Rules Committee
18 and conference committees may report at any time, except during a
19 call of the Senate, when a vote is being taken, or during
20 Committee of the Whole.

21 (b) The Rules Committee may report during Committee of the
22 Whole on matters referred to the Committee by the Committee of
23 the Whole.

24 **S50-130. Conference committee -- reports.** (1) When a
25 conference committee report is filed with the Secretary of the
26 Senate, the report must be read under Order of Business No. 3,
27 select committees, and placed on the calendar the succeeding

1 legislative day for consideration on second reading. If
2 recommended favorably by the Committee of the Whole, it may be
3 considered on third reading the same legislative day.

4 (2) If both the Senate and the House of Representatives
5 adopt the same conference committee report on legislation
6 requiring more than a majority vote for final passage, the
7 Senate, following approval of the conference committee report on
8 third reading, shall place the final form of the legislation on
9 third reading to determine if the required vote is obtained.

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

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

18 **S50-140. Second reading -- Committee of the Whole report --**
19 **segregation -- rejection.** (1) The Senate may resolve itself into
20 a Committee of the Whole for consideration of business on second
21 reading, by approval of a motion for that purpose.

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

24 (3) All legislation considered in the Committee of the
25 Whole must be read by a summary of its title. The sponsor shall
26 make an opening statement, proposed amendments must be
27 considered, and then the bill must be considered in its entirety.

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

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

6 **S50-150. Committee of the Whole amendments.** (1) All
7 Committee of the Whole amendments must be prepared by the staff
8 of the Legislative Services Division, stipulating the date and
9 time of preparation and staff approval, and delivered to the
10 Secretary of the Senate for reading before the amendment is voted
11 on.

12 (2) Each amendment, rejected or adopted, must be printed in
13 the journal, along with the name of the sponsor and the vote on
14 each.

15 **S50-160. Motions in Committee of the Whole.** (1) All proper
16 motions on second reading are debatable unless specified in
17 S50-60.

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

20 (a) recommend passage or nonpassage;

21 (b) recommend concurrence or nonconcurrence (House
22 amendments to Senate legislation);

23 (c) amend;

24 (d) indefinitely postpone;

25 (e) pass consideration;

26 (f) change the order in which legislation is placed on the
27 agenda (nondebatable S50-60(14));

1 (g) rise (nondebatable S50-60(3));

2 (h) rise and report progress and ask leave to sit again
3 (nondebatable S50-60(3)); or

4 (i) rise and report (nondebatable S50-60(3)).

5 (3) The motions listed in subsection (2) may be made in
6 descending order as listed.

7 **S50-170. Committee of the Whole -- generally.** (1) The
8 Committee of the Whole may not appoint subcommittees.

9 (2) The Committee of the Whole may not punish its members
10 for misconduct, but may report disorder to the Senate.

11 **S50-180. Voting on second reading -- positive disposition of**
12 **motions.** (1) On Order of Business No. 8, in addition to other
13 methods, a recorded vote may be made in the following manner: the
14 chair may call for a voice vote to accept or reject a question.
15 If the vote is other than unanimous, the chair may ask that the
16 lesser number on the question indicate their vote by standing.
17 The Secretary will then record the vote of those standing. The
18 chair may then rule that unless excused those not standing and
19 present have voted on the prevailing side of the question and
20 that their vote be recorded as voting on the prevailing side. If
21 there was a unanimous voice vote, all those present will be
22 recorded as having voted for the question.

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

25 **S50-190. Third reading procedure.** (1) Unless rereferred to a
26 committee by a majority vote after the adoption of the Committee
27 of the Whole report but before moving to another order of

1 business, all legislation passing second reading must be placed
2 on third reading the day following the receipt of the engrossing
3 or other appropriate printing report.

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

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

16 **S50-200. Senate voting -- changing a vote -- objection.** (1)
17 A roll call vote must be taken on the request of two Senators, if
18 the request occurs before the vote is taken.

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

24 (3) A Senator may move to change the Senator's vote, on any
25 recorded vote, within 1 legislative day of the vote. The Senator
26 making the motion shall first specify the bill number, the date
27 of the vote, and the original vote tally. A vote may not be

1 changed if it would affect the outcome of legislation. The motion
2 is nondebatable. If none of the Senators present object, the
3 change must be entered into the journal.

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

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

10 **S50-210. Pairs -- ~~Committee of the Whole.~~** (1) Two Senators
11 may pair on a question that will be determined by a majority
12 vote. On a question requiring a two-thirds vote for adoption,
13 three Senators may pair, with two Senators for the question and
14 one Senator against. Pairing is permitted only when one of the
15 paired Senators is excused when the vote is taken.

16 (2) An agreement to pair must be in writing and dated and
17 signed by the Senators agreeing to be bound and must specify the
18 duration of the pair. When an agreement to pair is filed with the
19 Secretary of the Senate, it binds the Senators signing until the
20 expiration of time for which it was signed, unless the paired
21 Senators sooner appear and ask that the agreement be canceled.

22 **S50-220. Call of the Senate.** (1) In the absence of a quorum,
23 a majority of Senators present may compel the attendance of
24 absent Senators by ordering a call of the Senate.

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

27 (3) On a call of the Senate, a Senator who refuses to

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1 attend may be arrested by the Sergeant-at-Arms or any other
2 person, as the majority of the Senators present direct. When the
3 attendance of an absent Senator is secured and the Senate refuses
4 to excuse the Senator's absence, the Senator may not be paid any
5 expense payments while absent and is liable for the expenses
6 incurred in procuring the Senator's attendance.

7 (4) During a call of the Senate, all business must be
8 suspended. After a call has been ordered, no motion is in order
9 except a motion to adjourn or remove the call. The call may be
10 removed by a two-thirds vote of the members present.

11 **S50-230. House amendments to Senate legislation.** (1) When
12 the House has properly returned Senate legislation with House
13 amendments, the Senate shall announce the amendments on Order of
14 Business No. 5 and the President shall place them on second
15 reading for debate. The President may rerefer Senate legislation
16 with House amendments to a committee for a hearing if the House
17 amendments constitute a significant change in the Senate
18 legislation. The second reading vote is limited to consideration
19 of the House amendments.

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

24 (3) If the Senate rejects the House amendments, the Senate
25 may request the House to recede from its amendments or may direct
26 appointment of a conference committee and request the House to
27 appoint a like committee.

1 Manual of Legislative Procedure (2010) governs the proceedings of
2 the Senate in all cases not covered by these rules.

3 **CHAPTER 7**

4 **Nominations from the Governor**

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

10 (2) If during a recess of the Senate a vacancy occurs in
11 any office subject to Senate confirmation, the Governor shall
12 appoint some fit person to discharge the duties of the office
13 until the next meeting of the Senate, when the Governor shall
14 nominate a person to fill the office.

15 **S70-20. ~~Introduction and first reading of~~ Receiving**
16 **nominations -- requesting bill drafts.** (1) Nominations received
17 from the Governor must be:

18 (a) received by the President;

19 (b) delivered to the Secretary of the Senate; and

20 (c) read under Order of Business No. 4, messages from the
21 Governor ~~and.~~

22 ~~(d) referred to committee. The President of the Senate may~~
23 ~~refer any individual nomination contained in a list received from~~
24 ~~the Governor to any standing committee.~~

25 ~~— (2) The procedure in subsection (1) constitutes~~
26 ~~introduction and first reading of the nominations.~~

27 ~~(3)~~(2) The Secretary shall distribute a copy of the list of

1 nominations to each Senator.

2 (3) (a) The President of the Senate shall submit a bill
3 draft request for a resolution for each group of nominees read
4 under Order of Business No. 4. These bill draft requests will not
5 count against any bill draft request limit imposed on the
6 President of the Senate.

7 (b) Prior to introduction of the resolution, the President
8 of the Senate shall designate the appropriate committee chair to
9 introduce the simple resolution.

10

11 **S70-30. Committee process -- ~~preliminary reports~~ -- separate**
12 **consideration.** (1) (a) The committee shall research each nominee
13 and may request biographical information from the Governor for
14 each nominee if none has been provided.

15 (b) ~~The committee chair shall submit a bill draft request~~
16 ~~on behalf of the committee for a simple resolution to include the~~
17 ~~nominee submitted to the committee or a group of nominees, the~~
18 ~~group of nominees being specified by the committee chair. These~~
19 ~~bill draft requests will not count against any bill draft request~~
20 ~~limit imposed on members.~~ When the resolution has been prepared
21 and introduced, the committee shall hold a hearing on the
22 resolution after appropriate public notice has been given.

23 (2) Following the hearings for a group of nominees, the
24 committee shall issue preliminary standing committee reports to
25 ~~be distributed to each Senator~~ considered on second reading,
26 stating the committee's recommendations concerning the nominees.
27 ~~A preliminary standing committee report is not required for a~~

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1 ~~resolution for a single nominee pursuant to subsection (5).~~

2 (3) ~~(a)~~ If a Senator wishes to have an individual nominee
3 or group of nominees considered by the Senate separately from the
4 group of nominees recommended by the committee, the Senator may
5 prepare a floor amendment to strike or add a nominee or group of
6 nominees. If a nominee or a group of nominees is stricken, a
7 Senator may make a motion to request of the chair of the
8 committee that the President of the Senate to submit a bill draft
9 request for the nominee or nominees to be considered by a
10 separate resolution.

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

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

18 ~~—— (a) If a nominee is to be separated from the resolution,~~
19 ~~the final standing committee report must include an amendment~~
20 ~~deleting that nominee.~~

21 ~~(b)(4) When a nominee has been separated at the request of~~
22 ~~a Senator or when a single nomination has been submitted to a~~
23 ~~committee, the committee chair shall submit a bill draft request~~
24 ~~on behalf of the committee for a simple resolution to include~~
25 ~~only the single or separated nominee. When the resolution for a~~
26 ~~individual or group nomination has been prepared and introduced,~~
27 the committee shall take executive action on the resolution.

1 When a hearing on the separated nomination was held prior to the
2 committee's preliminary standing committee report, an additional
3 hearing is not required to be held before the committee takes
4 action on the separate resolution. After the committee's
5 executive action, the committee chair shall issue a standing
6 committee report.

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

12 ~~(6)~~(5) The Secretary will read the reports under Order of
13 Business No. 2, reports of standing committees.

14 ~~(7)~~(6) After the report has been read, the resolution must
15 be placed on Order of Business No. ~~11~~ 8 the next legislative day
16 for consideration by the Senate. Motions to approve or disapprove
17 of the resolution are in order and may be debated. Approval upon
18 second reading constitutes confirmation of the Governor's
19 nominee. A motion to reconsider the approval or disapproval of a
20 nomination made on second reading must occur within one
21 legislative day. A motion to reconsider may not be made if the
22 resolution approving a confirmation is no longer in the
23 possession of the Senate.

24 **Appendix A**

25 List of Questions Requiring Other Than a Majority Vote

26 The following questions require the vote specified:

27 (1) a call of the Senate with a quorum pursuant to

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1 S50-220(2) (five Senators);

2 (2) a motion to lift a call of the Senate pursuant to
3 S50-220(4) (two-thirds of the members present);

4 (3) a motion to amend or suspend rules pursuant to S60-10
5 (two-thirds);

6 (4) a motion to override the Governor's veto pursuant to
7 S50-250 and Article VI, section 10(3), of the Montana
8 Constitution (two-thirds);

9 (5) a motion to approve a bill to appropriate the principal
10 of the coal trust fund pursuant to Article IX, section 5, of the
11 Montana Constitution (three-fourths of each house);

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

16 (7) a motion to approve a bill proposing to amend the
17 Montana Constitution pursuant to Article XIV, section 8, of the
18 Montana Constitution (two-thirds of the entire Legislature);

19 (8) an appeal of the ruling of the presiding officer
20 pursuant to S20-10 (one Senator, seconded by two other Senators);

21 (9) a motion to approve a bill conferring immunity from
22 suit as described in Article II, section 18, of the Montana
23 Constitution (two-thirds);

24 (10) a motion to approve a bill to appropriate the principal
25 of the tobacco settlement trust fund pursuant to Article XII,
26 section 4, of the Montana Constitution (two-thirds); and

27 (11) a motion to appropriate the principal of the noxious

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1 weed management trust fund pursuant to Article IX, section 6, of
2 the Montana Constitution (three-fourths).

3 - END -

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