

1 SENATE RESOLUTION NO. 1

2 INTRODUCED BY ****

3 BY REQUEST OF THE ****

4
5 A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA ADOPTING THE SENATE RULES.

6
7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

8 That the following Senate Rules be adopted:

9 **RULES OF THE MONTANA**

10 **SENATE**

11 **CHAPTER 1**

12 **Administration**

13 **S10-10. Officers of the Senate.** The officers of the Senate include a president, a president pro
14 tempore, a majority leader, a minority leader, and majority and minority whips.

15 **S10-20. Term of officers.** The term of office for the officers and employees of the Senate established
16 by rule is until the succeeding Legislature is organized. This rule may not be construed to mean that short-term
17 session staff will be full-time employees during an interim.

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

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

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

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

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

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

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

7 (b) Office space currently assigned to any member of the minority may be changed only with the
8 consent of the minority leader.

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

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

13 (7) The President is the chief administrative officer of the Senate, with authority for the general
14 supervision of all Senate employees.

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

17 (9) The President shall refer bills to committee upon introduction or reception in the office of the
18 Secretary of the Senate within 3 legislative days of receipt.

19 (10) The President shall request fiscal notes on all legislation stamped by Legislative Services Division
20 as potentially requiring a fiscal note within 5 legislative days of introduction. The President shall approve any
21 request from the Office of Budget and Program Planning for fiscal notes or amendments to fiscal notes.

22 (11) The President shall sign an enrolled bill within 14 legislative days from receipt of the enrolled bill. If
23 the President fails to sign the enrolled bill within 14 legislative days, the bill must be transmitted by the
24 Secretary of the Senate to the Governor or the House as applicable.

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

28 (2) Whenever the President pro tempore of the Senate is of the opposite political party from that of the

1 President, the following procedure applies:

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

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

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

10 **S10-70. Duties of President-elect and current President.** (1) The President-elect nominated by the
11 appropriate party caucus has the responsibility and authority to assume the duties of President of the Senate,
12 including the responsibilities, duties, approvals, appointments, and authority appropriate to organize the
13 Senate. This authority includes approving all expenditures except Senate special session expenditures as
14 provided in subsection (2).

15 (2) The only duties and authority of the current sitting President from the date that the President-elect is
16 nominated by the appropriate party caucus to 12 noon on the day appointed for the meeting of any regular
17 session of the Legislature, is to preside and manage the Senate during a special session, including Senate
18 special session expenditures.

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

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

22 (2) arranging legislation on the Committee of the Whole agenda in the order in which the bills will be
23 considered, unless otherwise ordered by the Senate or Committee of the Whole;

24 (3) helping the President develop the calendar;

25 (4) assisting the President with program development, policy formation, and policy decisions;

26 (5) presiding over the majority caucus meetings;

27 (6) serving as chair or designee of the rules committee; and

28 (7) other duties as assigned by the caucus.

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

- 2 (1) assisting the majority leader;
- 3 (2) ensuring member attendance;
- 4 (3) counting votes;
- 5 (4) generally communicating the majority position; and
- 6 (5) other duties as assigned by the caucus.

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

- 9 (1) developing the minority position;
- 10 (2) negotiating with the majority party;
- 11 (3) directing minority caucus activities on the chamber floor;
- 12 (4) leading debate for the minority; and
- 13 (5) other duties as assigned by the caucus.

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

- 16 (1) assisting the minority leader on the floor;
- 17 (2) counting votes;
- 18 (3) ensuring attendance of minority party members; and
- 19 (4) other duties as assigned by the caucus.

20 **S10-130. Senate employees.** (1) In addition to the employees appointed by the President, the Senate
21 shall employ staff recommended by the leadership as necessary to perform the functions of the Senate.

22 (2) The Secretary of the Senate shall designate a secretary to take and prepare electronic audio -video
23 recording logs of committee meetings for each standing committee. A committee secretary is immediately
24 responsible to the chair, but shall work under the overall direction of the Secretary of the Senate, subject to
25 authority of the committee chair.

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

27 **S10-140. 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:

- 1 (1) performing the duties prescribed by law or other provisions of these rules;
- 2 (2) compiling and maintaining the calendar for approval by the President;
- 3 (3) keeping the leadership informed on the progress and workload of the Senate;
- 4 (4) transmitting bills with appropriate messages to the House of Representatives as instructed by action
- 5 of the Senate;

- 6 (5) keeping and maintaining records of the Senate; ~~and~~
- 7 (6) supervising the handling of legislation in the handling of legislation in the Senate, the Senate
- 8 journal, and other Senate publications; and
- 9 ~~(6)-(7)~~ supervision of the Senate employees, except as otherwise provided.

10 **S10-150. Sergeant-at-Arms duties.** Under the direction of the President and the Secretary of the
11 Senate, the duties of the Sergeant-at-Arms ~~shall~~ are to:

- 12 ~~(1)~~ ~~(1)~~ maintain order as directed by the President or chair of the Committee of the Whole in the
- 13 Senate;
- 14 ~~(1)(2)~~ maintain order in the galleries, the lobby, hallways or other rooms in the Capitol assigned to the
- 15 Senate;
- 16 ~~(2)~~ ~~(3)~~ enforce the lobbying rules of the Senate;
- 17 ~~(3)~~ ~~(4)~~ supervise the employees assigned to the Sergeant's office;
- 18 ~~(4)~~ ~~(5)~~ receive, distribute, and maintain supplies, equipment, and other inventory of the Senate, along
- 19 with records of purchase and disposal in accordance with law;
- 20 ~~(5)~~ ~~(6)~~ issue floor passes to qualified applicants as provided in S20-55; ~~and~~
- 21 (7) clear the floor of the Senate of all persons not entitled to Senate floor privileges;
- 22 (8) enforce distribution of printed materials in the Senate chambers pursuant to S20-70; and
- 23 ~~(6)~~ ~~(9)~~ perform duties as required by other rules and the Senate.

24 **S10-160. Legislative interns.** (1) Each Senator may designate one person of legal age to serve as an
25 intern during the session. Exceptions to this policy may be approved by the Rules Committee. The Senator
26 shall register an intern with the Secretary of the Senate and arrange for the purchase of a name tag with the
27 Sergeant- at-Arms.

- 28 (2) An intern may not receive an employee ID card, a legmt.gov email address, or user account.

1 the rules of the Senate, the President shall, or the majority leader or minority floor leader may, call the Senator
2 to order, in which case the Senator called to order must be seated immediately.

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

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

8 (4) If a Senator is called to order, the matter may be referred to the Rules Committee by the minority or
9 majority leader. The Committee may recommend to the Senate that the Senator be censured or be subject to
10 other action. Censure consists of an official public reprimand of a Senator for inappropriate behavior. The
11 Senate shall act upon the recommendation of the Committee.

12 **S20-30. Questions of privilege -- restrictions.** (1) Questions of privilege in order of precedence are
13 those:

- 14 (a) affecting the collective rights, safety, dignity, or integrity of the proceedings of the Senate; and
- 15 (b) affecting the rights, reputation, or conduct of individual Senators in their capacity as Senators.

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

- 17 (a) an undebatable motion is offered and the vote is taken on the motion;
- 18 (b) the previous question is ordered and the vote is taken on the proposition included under the
19 previous question;
- 20 (c) a motion to lay on the table is offered and the vote is taken on the motion; or
- 21 (d) a bill sponsor closes on the bill and the question is called by the presiding officer with a vote taken
22 on the motion.

23 **S20-40. Recognition by chair.** A Senator desiring to speak shall indicate to the presiding officer and,
24 once being recognized, shall speak. When two or more Senators indicate a desire to speak at the same time,
25 the presiding officer shall determine the order of the speakers.

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

- 28 (a) legislators;

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

3 (c) representatives of the media with a floor pass;

4 (d) former legislators (not currently registered as lobbyists); and

5 (e) legislators' spouses and children.

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

7 (3) Beginning 1 hour before and ending one-half hour after adjournment, no person is permitted in the
8 chambers except those authorized as exceptions under subsection (1) or (2).

9 **S20-55. Representatives of the media -- floor pass.** (1) Representatives of the media are not
10 permitted in chambers without a valid floor pass.

11 (2) The Sergeant-at-Arms, at the direction of the President, controls when and where individuals with a
12 floor pass will be granted access to chambers. An individual with a floor pass is not guaranteed access to the
13 floor and may be denied future access for violating rules of decorum.

14 **S20-60. Communications to Senate.** A communication to the Senate must be addressed to the
15 President and must bear the name of the person submitting it. The President shall decide if the communication
16 bears including in the calendar.

17 **S20-70. Distribution of materials on floor -- exception.** (1) Subject to subsection (2), material may
18 not be distributed on the Senators' desks in the chamber unless the material bears the signature of the bearer
19 and a Senator and has been approved by the President.

20 (2) Subsection (1) does not apply to material written by staff at the request of a Senator and placed on
21 the Senator's desk.

22 **CHAPTER 3**

23 **Committees**

24 **S30-10. Committee appointments.** (1) There is a Committee on Committees consisting of six
25 members of the majority party. If the Senate is evenly divided between parties, the committee shall consist of
26 six Senators, three from the majority party and three from the minority party.

27 (2) (a) The Committee on Committees shall, with the approval of the Senate, appoint the members of
28 Senate standing committees, joint committees, and interim committees.

1 (b) All Committee on Committees minority member committee appointments must be approved by the
2 minority leader.

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

4 (4) The President of the Senate shall appoint all:

5 (a) conference committees, with the advance concurrence of the majority leader and minority leader;

6 and

7 (b) select committees.

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

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

11 (a) class one committees:

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

13 (ii) Finance and Claims;

14 (iii) Judiciary; and

15 (iv) Taxation;

16 (b) class two committees:

17 ~~(i) Highways and Transportation;~~

18 (i) Education and Cultural Resources;

19 (ii) Local Government;

20 (iii) Natural Resources;

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

22 (v) State Administration;

23 (c) class three committees:

24 (i) Agriculture, Livestock, and Irrigation;

25 ~~(ii) Education and Cultural Resources;~~

26 (iii) (ii) Energy, Technology, and Federal Relations;

27 ~~(iv)-(iii)~~ Fish and Game; and

28 (iv) Highways and Transportation; and

- 1 (d) on-call committees:
- 2 (i) Ethics;
- 3 (ii) Legislative Administration; and
- 4 (iii) Rules.

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

8 (3) The Legislative Council shall review the workload of the standing committees to determine if any
9 change is indicated in the class of a standing committee for the next legislative session. The Legislative
10 Council's recommendations must be submitted to the leadership nominated or elected at the pre-session
11 caucus.

12 **S30-40. Ex officio members -- quorum.** (1) A quorum of a committee is a majority of the members of
13 the committee. A quorum of a committee must be physically or remotely present at a meeting to act officially. A
14 quorum of a committee may transact business, and a majority of the quorum, even though it is a minority of the
15 committee, is sufficient for committee action.

16 (2) The President, the majority leader, and the minority leader are ex officio nonvoting members of all
17 committees in order to establish a quorum. As ex officio nonvoting members of a committee, the President,
18 majority leader, and minority leader have the privileges of a committee member pursuant to S30-70(13)(a),
19 (13)(c), and (13)(d).

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

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

23 (b) scheduling hearings and executive action;

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

26 (d) authenticating committee reports by signing them and submitting them promptly to the Secretary of
27 the Senate. The chair shall sign business reports reflecting action taken in each committee meeting that enable
28 the preparation of committee audio-video recording logs.

1 (e) enforcing fire code occupancy requirements.

2 (2) The Secretary of the Senate shall arrange to have the audio-video recording log copied in an
3 electronic format. An electronic copy will be provided to the Legislative Services Division.

4 **S30-60. Meetings -- notice -- purpose -- audio-video recording log.** (1) All meetings of committees
5 must be open to the public at all times, subject always to the power and authority of the chair to maintain safety,
6 order, and decorum. The date, time, and place of committee meetings must be announced.

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

10 (a) prior to the third legislative day;

11 (b) less than 10 legislative days before the transmittal deadline applicable to the subject of the hearing;

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

14 (d) due to appropriate circumstances.

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

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

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

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

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

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

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

27 (7) A committee may not meet during the time the Senate is in session without leave of the President.

28 Any Senator attending a meeting while the Senate is in session must be considered excused to attend business

1 of the Senate subject to a call of the Senate.

2 (8) All meetings of committees must be recorded and the audio-video recording log must be available
3 to the public within a reasonable time after the meeting. The official record of the committee meeting is the
4 audio-video recording of the meeting and the audio-video recording log must contain at least the following
5 information:

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

7 (b) committee members physically or remotely present, excused, or absent;

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

10 (d) all motions and their disposition;

11 (e) the results of all votes; and

12 (f) all testimony and exhibits.

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

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

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

19 **S30-70. Procedures -- member privileges.** (1) The chair shall notify the sponsor of any bill pending
20 before the committee 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
22 cosponsors is physically or remotely 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 the measure in committee.

1 (b) ~~At Except as provided in subsection (3), at the written request of the sponsor made at least 48 hours~~
2 prior to a scheduled hearing, a ~~committee shall finally dispose of a bill without a hearing bill may be withdrawn~~
3 ~~by a sponsor without a hearing. Except as provided in S30-60(9), a bill may not be reported from a committee~~
4 ~~without a hearing.~~

5 (c) A bill may not be withdrawn by the sponsor after a hearing.

6 (d) Except as provided in S30-60(9), bill or resolution may not be reported from a committee without a
7 hearing.

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

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

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

11 (b) the recommendation of the committee;

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

13 (d) a fiscal note, if required.

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

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

20 (8) The vote of each member on all committee actions must be recorded and reported in the committee
21 audio-video recording log. All motions may be adopted only on the affirmative vote of a majority of the members
22 voting.

23 (9) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the
24 members physically or remotely present at any meeting of the committee.

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

27 (11) A committee may reconsider any action as long as the matter remains in the possession of the
28 committee. A bill is in the possession of the committee until a report on the bill is made to the Committee of the

1 Whole. A committee member need not have voted with the prevailing side in order to move reconsideration.

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

3 (13) The privileges of committee members, present physically or remotely, include the following:

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

5 (b) to offer motions;

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

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

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

9 (f) to vote, either by being present or by proxy, using a standard form.

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

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

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

16 **S30-80. Public testimony -- decorum -- time restrictions.** (1) Subject to Joint Rule 30-05, remote or
17 in-person testimony from proponents, opponents, and informational witnesses must be allowed on every bill or
18 resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall
19 register on the committee witness list or by electronic means.

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

23 (b) A person who is an employee of the state or a political subdivision of the state that is offering
24 testimony on behalf of the state or political subdivision shall state in the person's oral or written testimony the
25 specific entity or state officeholder that they are representing.

26 (3) The chair may order actions to maintain order in the committee meeting. During committee
27 meetings, visitors may not speak unless called upon by the chair. Restrictions on time available for testimony
28 may be announced.

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

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

6 **S30-100. Absentee or proxy voting.** Standing and select committees may by a majority vote of the
7 committee authorize Senators to vote in absentia. Authorization for absentee or proxy voting must be reflected
8 in the committee audio-video recording log.

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

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

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

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

19 **S30-160. Ethics Committee.** (1) The Ethics Committee shall meet only upon the call of the chair after
20 the referral of an issue from the Rules Committee or the Legislator Conduct Panel or to consider a request for a
21 determination pursuant to subsection (4). The Rules Committee may be convened to consider the referral of a
22 matter to the Ethics Committee upon the request of a Senator. The Rules Committee shall prepare a written
23 statement of the specific question or issue to be addressed by the Ethics Committee. Except for a referral from
24 the Legislative Conduct Panel, the issues referred to the Ethics Committee must be related to the actions of a
25 Senator during a legislative session.

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

27 (a) a violation of:

28 (i) 2-2-103;

- 1 (ii) 2-2-104;
- 2 (iii) 2-2-111;
- 3 (iv) 2-2-112; or
- 4 (v) Joint Rule 10-85;
- 5 (b) the use or threatened use of a Senator's position for personal or personal business benefit or
- 6 advantage; or
- 7 (c) any other violation of law by a Senator while acting in the capacity of Senator.
- 8 (3) If there is a recommendation from the Ethics Committee, the recommendation is made to the
- 9 Senate.
- 10 (4) A Senator may seek a determination from the Ethics Committee concerning the possibility of a
- 11 personal conflict of interest.

12
13 **CHAPTER 4**

14 **Legislation**

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

- 18 (1) bills of any subject, except appropriations;
- 19 (2) joint resolutions, which may be used for any purpose specified in Joint Rule 40-60; and
- 20 (3) simple resolutions, which may:
 - 21 (a) adopt or amend Senate rules;
 - 22 (b) provide for the internal affairs of the Senate;
 - 23 (c) express confirmation of the Governor's appointments; or
 - 24 (d) make recommendations concerning the districting and apportionment plan as provided by Article V,
25 section 14(4), of the Montana Constitution.

26 **S40-20. Introduction -- first reading.** (1) Upon receiving a bill or resolution from a Senator, the
27 Secretary of the Senate shall assign an appropriate sequential number, which constitutes introduction of the
28 legislation. Legislation properly introduced or received in the Senate must be announced across the rostrum

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

5 (2) Bills and resolutions preintroduced as provided in Joint Rule 40-40 may be assigned to committee
6 by the President, posted online, and printed prior to the legislative session. The Legislative Services Division is
7 responsible for ensuring the preintroduction intent from each Senator and presenting the preintroduced
8 legislation to the Secretary of the Senate.

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

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

14 **S40-30. Cosponsors and additional sponsors.** (1) Prior to submitting legislation to the Secretary of
15 the Senate for introduction, the chief sponsor may add representatives and senators as cosponsors. A
16 legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

17 (2) After legislation is submitted for introduction but before the legislation returns from the first Senate
18 committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Secretary of
19 the Senate. This filing must be noted by the Secretary of the Senate for the record on Order of Business No.1.

20 ~~(2) After legislation is submitted for introduction, sponsors may be added on motion of the chief sponsor~~
21 ~~at any time prior to a standing committee report on the bill or resolution. Forms for adding sponsors will be~~
22 ~~supplied on request by the Secretary of the Senate.~~

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

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

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

1 day.

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

3 **S40-60. Scheduling for second reading.** (1) All bills and resolutions that have been reported by a
4 committee or withdrawn from a committee by motion, accepted by the Senate, and posted online and
5 reproduced must be scheduled by the President for consideration by Committee of the Whole.

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

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

11 **CHAPTER 5**

12 **Floor Action**

13 **S50-10. Attendance -- mandatory voting -- quorum.** (1) Except as provided in subsection (2), a
14 Senator must be physically or remotely present every sitting of the Senate and shall vote on questions put
15 before the Senate.

16 (2) A Senator shall notify the President, majority leader, or the minority leader if the Senator will be
17 remotely present or absent for a sitting of the Senate.

18 (2)(3) A majority of the Senate shall constitute a quorum to do business, but a smaller number may
19 adjourn from day to day and compel the attendance of absent Senators, in the manner and under penalties as
20 the Senate may prescribe (Montana Constitution, Art. V, sec. 10(2)).

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

23 (1) communications and petitions;

24 (2) reports of standing committees;

25 (3) reports of select committees;

26 (4) messages from the Governor;

27 (5) messages from the House of Representatives;

28 (6) first reading and commitment of bills;

1 (7) second reading of bills (Committee of the Whole);

2 (8) third reading of bills;

3 (9) motions;

4 (10) unfinished business;

5 (11) special orders of the day; and

6 (12) announcement of committee meetings.

7 To revert to or pass to a new order of business requires only a majority vote.

8 **S50-30. Limitations on debate.** 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
12 who has not spoken.

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

18 (3) A motion is carried by a majority of the Senate present and voting unless otherwise stated in the
19 Senate Rules.

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

22 (a) to adjourn for the day (nondebatable S50-60);

23 (b) to adjourn sine die (debatable S50-135);

24 (c) for a call of the Senate (nondebatable S50-60);

25 (d) to recess (nondebatable S50-60);

26 (e) question of privilege;

27 (f) to lay on the table (nondebatable S50-60);

28 (g) for the previous question (nondebatable S50-60);

- 1 (h) to postpone to a certain day;
- 2 (i) to refer or commit;
- 3 (j) to amend;
- 4 (k) subject to subsection (1)(l), to postpone indefinitely; and
- 5 (l) to postpone indefinitely on a bill or resolution after its failure to receive a majority of those present
- 6 and voting on second reading.

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

8 (3) Subject to subsection (1)(l), a question may be indefinitely postponed by a majority roll call of all
9 Senators physically or remotely present and voting. When a bill or resolution is postponed indefinitely after
10 debate on second reading, it is finally rejected and may not be acted upon again except upon a motion of
11 reconsideration as provided in S50-90.

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

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

- 15 (1) to adjourn for the day;
- 16 (2) for a call of the Senate;
- 17 (3) to recess or rise;
- 18 (4) for parliamentary inquiry;
- 19 (5) for suspension of the rules;
- 20 (6) to lay on the table;
- 21 (7) for the previous question;
- 22 (8) to limit, extend the limits of, or to close debate;
- 23 (9) to amend an undebatable motion;
- 24 (10) to change a vote (S50-200);
- 25 (11) to pass business in Committee of the Whole;
- 26 (12) to take from the table;
- 27 (13) a decision of the presiding officer, unless appealed or unless the presiding officer submits the
28 question to the Senate for advice or decision; and

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

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

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

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

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

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

19 S50-85-Legislation withdrawn from committee. Legislation may be withdrawn from a Senate committee
20 after a committee hearing on the legislation by Senate motion approved by a majority of the members present
21 and voting.

22 **S50-90. Reconsideration -- time restrictions.** (1) Subject to subsection (6), any Senator may, on the
23 day the vote was taken or on the next day the Senate is in session, move to reconsider the question. A motion
24 to reconsider is a debatable motion, but the debate is limited to the motion. The debate on a motion to
25 reconsider may not address the substance of the matter for which reconsideration is sought. However, an
26 inquiry may be made concerning the purpose of the motion to reconsider.

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

1 (3) A motion to recall a bill from the House of Representatives constitutes notice to reconsider and must
2 be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the House of
3 Representatives may be made only under Order of Business No. 9 and, under that order of business, takes
4 precedence over all motions except motions to recess or adjourn.

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

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

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

12 **S50-95. Rereferral.** (1) Legislation that is in the possession of the Senate and that has been reported
13 from a committee with a do pass or be concurred in recommendation may be rereferred to a Senate committee
14 by a majority vote.

15 (2) (a) With the consent of the majority leader, the minority leader, and the bill sponsor, legislation that
16 has passed second reading, has been rereferred to the Finance and Claims Committee pursuant to subsection
17 (1), and is reported from committee without amendments may be placed on third reading.

18 (b) The third-reading agenda must specify that the legislation rereferred and reported from committee
19 under subsection (2)(a) was rereferred to the Senate Finance and Claims Committee and reported from the
20 committee without amendments as passed on second reading.

21 (3) The individual making the rereferral motion shall announce the bill number, short bill title, and the
22 name of the sponsor of the bill immediately before it may be considered for rereferral.

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

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

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

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

12 **S50-120. Committee reports to Senate -- reconsideration.** (1) Reports of standing committees must
13 be read on Order of Business No. 2, and, if there is no objection to form, are considered adopted. Subject to
14 subsection (4), debate may not be had on any report.

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

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

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

25 (b) The Rules Committee may report during Committee of the Whole on matters referred to the
26 Committee by the Committee of the Whole.

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

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

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

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

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

11 **S50-135. Adjournment sine die.** (1) Subject to Article V, section 10(5), of the Montana Constitution, a
12 Senator may move that the Senate adjourn for the session.

13 (2) (a) The motion is debatable and may be made under any order of business except Order of
14 Business No. 7.

15 (b) Debate on the motion is limited to two proponents and two opponents.

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

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

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

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

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

27 **S50-150. Committee of the Whole amendments.** (1) All Committee of the Whole amendments must
28 be prepared by the staff of the Legislative Services Division, stipulating the date and time of preparation and

1 staff approval, and delivered to the Secretary of the Senate for reading before the amendment is voted on.

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

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

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

7 (a) recommend passage or nonpassage;

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

9 (c) amend;

10 (d) subject to subsection (2)(e), to postpone indefinitely;

11 ~~(e) to postpone indefinitely on a bill or resolution after its failure to receive a majority of those present~~
12 ~~and voting on second reading;~~

13 ~~(f)-(e)~~ pass consideration;

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

15 ~~(h)-(g)~~ rise (nondebatable S50-60(3));

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

17 ~~(j)-(i)~~ rise and report (nondebatable S50-60(3)).

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

19 ~~(4) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of the~~
20 ~~Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is considered to~~
21 ~~have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in" fails in the Committee~~
22 ~~of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be concurred in", is considered to~~
23 ~~have passed.~~

24 (4) Except for the President of the Senate or designee, a Senator may not be recognized between the
25 time a bill sponsor closes on the bill and the question is called by the presiding officer with a vote taken on the
26 bill or resolution.

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

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

3 **S50-180. Voting on second reading -- positive disposition of motions.** (1) On Order of Business
4 No. 7, in addition to other methods, a recorded vote may be made in the following manner: the chair may call
5 for a voice vote to accept or reject a question. If the vote is other than unanimous, the chair may ask that the
6 lesser number on the question indicate their vote by an approved method of counting votes. The Secretary will
7 then record the vote. The chair may then rule that unless excused those of the greater number and physically
8 or remotely present have voted on the prevailing side of the question and that their vote be recorded as voting
9 on the prevailing side. If there was a unanimous voice vote, all those physically or remotely present will be
10 recorded as having voted for the question.

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

12 **S50-190. Third reading procedure.** (1) Unless rereferred to a committee by a majority vote after the
13 adoption of the Committee of the Whole report but before adjournment for the day, all legislation passing
14 second reading must be placed on third reading the day following the receipt of the engrossing or other
15 appropriate printing report.

16 (2) On Order of Business No. 8 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 times,
18 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 **S50-200. Senate voting -- changing a vote -- objection.** (1) A roll call vote must be taken on the
24 request of two Senators, if the request occurs before the vote is taken.

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

1 the vote. The Senator making the motion shall first specify the bill number, the date of the vote, and the original
2 vote tally. A vote may not be changed if it would affect the outcome of legislation. The motion is nondebatable.
3 If none of the Senators physically or remotely present object, the change must be entered into the journal.

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

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

8 **S50-210. Absentee votes – restrictions.** (1) An excused senator may file an absentee vote
9 authorization form to vote during the excused absence on any vote for which absentee voting is allowed.

10 (2) An excused senator shall sign an absentee vote authorization form that specifies the motion and the
11 desired vote.

12 (3) The absentee vote authorization form must be handed in at the rostrum by the party whip or
13 designated senator before voting on the motion has commenced.

14 (4) The absentee vote authorization may be revoked before the vote by the member who signed the
15 authorization.

16 (5) An excused senator may not use an absentee vote authorization if the senator is voting remotely.

17 ~~(5)-(6)~~ Absentee voting is not allowed on third reading.

18 **S50-220. Call of the Senate without a quorum.** (1) In the absence of a quorum, a majority of
19 Senators physically and remotely present may compel the attendance of absent Senators by ordering a call of
20 the Senate. A call of the Senate is not in order if a majority of Senators are physically and remotely present.

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

25 (3) During a call of the Senate, all business must be suspended. After a call has been ordered, no
26 motion is in order except a motion to adjourn or remove the call. When a quorum has been achieved under the
27 call, the call is automatically lifted. The call may be removed by a two-thirds vote of the members physically or
28 remotely present.

1 (3) During a special session of the Legislature, the rules may be suspended by a majority vote.

2 **S60-20. Mason's Manual of Legislative Procedure.** The most recent publication of Mason's Manual
3 of Legislative Procedure governs the proceedings of the Senate in all cases not covered by these rules.

4 **S60-30. Joint rules superseded.** A Senate rule, insofar as it relates to the internal proceedings of the
5 Senate, supersedes a joint rule.

6 **CHAPTER 7**

7 **Nominations from the Governor**

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

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

14 (3) If the Governor is reelected to a second 4-year term of office, the Governor shall renominate all
15 retained officers that were previously confirmed pursuant to subsection (1). The Senate confirmation procedure
16 for a retained officer is the same as the confirmation procedure for a new appointment.

17 (4) A retained officer is an individual whose term would have expired at the end of the Governor's first
18 4-year term if the Governor had not been reelected to a second consecutive term.

19 **S70-20. Receiving nominations -- requesting bill drafts.** (1) Nominations and renominations
20 received from the Governor must be:

21 (a) received by the President;

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

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

24 (2) The Secretary shall distribute a copy of the list of nominations and renominations to each Senator.

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

28 (b) Prior to introduction of the resolution, the President of the Senate shall designate the appropriate

1 committee chair or other member of the Senate to introduce the simple resolution.

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

5 (b) When the resolution has been prepared and introduced, the committee shall hold a hearing on the
6 resolution after appropriate public notice has been given.

7 (2) (a) Except as provided in subsection (2)(b), following the hearings for a group of nominees, the
8 committee shall issue standing committee reports to be considered on second reading, stating the committee's
9 recommendations concerning the nominees.

10 (b) Following the hearings for the group of nominees, if a committee member wishes to have an
11 individual nominee or group of nominees considered by the Senate separately from the group of nominees
12 being considered by the committee, the committee member may prepare an amendment for executive action to
13 strike or add a nominee or group of nominees. If a nominee or a group of nominees is stricken, the committee
14 member that offered the amendment shall make a motion to request a committee resolution for the nominee or
15 nominees to be considered by a separate resolution. A simple majority of the committee is sufficient in order to
16 request a separate committee resolution.

17 (3) Within the Committee of the Whole, if a Senator wishes to have an individual nominee or group of
18 nominees considered by the Senate separately from the group of nominees recommended by the committee,
19 the Senator may prepare a floor amendment to strike or add a nominee or group of nominees. If a nominee or a
20 group of nominees is stricken, a Senator may make a motion to request that the President of the Senate submit
21 a bill draft request for that the nominee or nominees to be considered by a separate resolution.

22 (4) When the resolution for an individual or group nomination has been prepared and introduced, the
23 committee shall take executive action on the resolution. When a hearing on the separated nomination was held
24 prior to the committee's standing committee report, an additional hearing is not required to be held before the
25 committee takes action on the separate resolution. After the committee's executive action, the committee chair
26 shall issue a standing committee report.

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

28 (6) After the report has been read, the resolution must be placed on Order of Business No. 7 the next

1 legislative day for consideration by the Senate. Motions to approve or disapprove of the resolution are in order
2 and may be debated. Approval upon second reading constitutes confirmation of the Governor's nominee. A
3 motion to reconsider the approval or disapproval of a nomination made on second reading must occur within
4 one legislative day. A motion to reconsider may not be made if the resolution approving a confirmation is no
5 longer in the possession of the Senate.

6 (7) Once the Senate adjourns sine die, all nominations and renominations that were not approved by
7 the Senate are treated as rejected confirmations.

8 **Appendix A**

9 List of Questions Requiring Other Than a Majority Vote

10 The following questions require the vote specified:

11 (1) a motion to lift a call of the Senate pursuant to S50-220(3) (two-thirds of the members physically or
12 remotely present);

13 (2) a motion to suspend rules during a regular session pursuant to S60-10 (three-fifths);

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

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

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

20 (6) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV,
21 section 8, of the Montana Constitution (two-thirds of the entire Legislature);

22 (7) an appeal of the ruling of the presiding officer pursuant to S20-10 (one Senator, seconded by two
23 other Senators);

24 (8) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the
25 Montana Constitution (two-thirds);

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

28 (10) a motion to appropriate the principal of the noxious weed management trust fund pursuant to

1 Article IX, section 6, of the Montana Constitution (three-fourths).

2 - END -

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