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SENATE RESOLUTION NO. 1

INTRODUCED BY ****

BY REQUEST OF THE ****

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

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

That the following Senate Rules be adopted:

RULES OF THE MONTANA

SENATE

CHAPTER 1

Administration

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

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

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

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

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

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

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

1 **Rules**

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

5 (2) Subject to subsection (3), a rule may be suspended temporarily by a three-fifths vote.

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

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

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 Joint rules superseded.** A Senate rule, insofar as it relates to the internal proceedings of the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

11 **CHAPTER 7**
12 **Nominations from the Governor**

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

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

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

22 (4) A retained officer is an individual whose term would have expired at the end of the Governor's first
23 4-year term if the Governor had not been reelected to a second consecutive term.

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

- 26 (a) received by the President;
- 27 (b) delivered to the Secretary of the Senate; and
- 28 (c) read under Order of Business No. 4, messages from the Governor.

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

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

5 (b) Prior to introduction of the resolution, the President of the Senate shall designate the appropriate
6 committee chair or other member of the Senate to introduce the simple resolution.

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

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

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

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

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

27 (4) When the resolution for an individual or group nomination has been prepared and introduced, the
28 committee shall take executive action on the resolution. When a hearing on the separated nomination was held

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

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

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

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

13
14 **Appendix A**

15 List of Questions Requiring Other Than a Majority Vote

16 The following questions require the vote specified:

- 17 (1) a motion to lift a call of the Senate pursuant to S50-220(3) (two-thirds of the members physically or
18 remotely present);
- 19 (2) a motion to suspend rules during a regular session pursuant to S60-10 (three-fifths);
- 20 (3) a motion to override the Governor's veto pursuant to S50-250 and Article VI, section 10(3), of the
21 Montana Constitution (two-thirds);
- 22 (4) a motion to approve a bill to appropriate the principal of the coal trust fund pursuant to Article IX,
23 section 5, of the Montana Constitution (three-fourths of each house);
- 24 (5) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of
25 the Montana Constitution for purposes other than those described in that section (three-fifths of each house);
- 26 (6) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV,
27 section 8, of the Montana Constitution (two-thirds of the entire Legislature);
- 28 (7) an appeal of the ruling of the presiding officer pursuant to S20-10 (one Senator, seconded by two