

SENATE RESOLUTION NO. 5

INTRODUCED BY T. MCGILLVRAY

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 that short-term session 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.

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

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

3 (4) (a) ~~The Subject to S30-10(6) and subsection (4)(b), the~~ President has general control over the  
4 assignment of rooms for the Senate and shall preserve order and decorum. The President may order the  
5 galleries and lobbies cleared in case of disturbance or disorderly conduct.

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

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

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

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

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

16 (9) ~~The Subject to S30-20(3), the~~ President shall refer bills to committee upon introduction or reception  
17 in the office of the Secretary of the Senate.

18 (10) The President shall request fiscal notes on all legislation stamped by Legislative Services Division  
19 as potentially requiring a fiscal note within 2 legislative days of introduction. The President shall approve any  
20 request from the Office of Budget and Program Planning for fiscal notes or amendments to fiscal notes.

21 (11) The President shall sign an enrolled bill within 3 legislative days from receipt of the enrolled bill. If  
22 the President fails to sign the enrolled bill within 3 legislative days, the bill must be transmitted by the Secretary  
23 of the Senate to the Governor or the House as applicable.

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

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

- 1 (a) an undebatable motion is offered and the vote is taken on the motion;
- 2 (b) the previous question is ordered and the vote is taken on the proposition included under the
- 3 previous question;
- 4 (c) a motion to lay on the table is offered and the vote is taken on the motion; or
- 5 (d) a bill sponsor closes on the bill and the question is called by the presiding officer with a vote taken
- 6 on the motion.

7 **S20-40. Recognition by chair.** A Senator desiring to speak shall indicate to the presiding officer and,

8 once being recognized, shall speak. When two or more Senators indicate a desire to speak at the same time,

9 the presiding officer shall determine the order of the speakers.

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

11 except:

- 12 (a) legislators;
- 13 (b) legislative officers and employees whose presence is necessary for the conduct of business of the
- 14 session;
- 15 (c) representatives of the media with a floor pass; ~~and~~
- 16 (d) former legislators (not currently registered as lobbyists); ~~and~~
- 17 (e) legislators' spouses and children.

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

19 (3) Beginning 1 hour before and ending one-half hour after adjournment, no person is permitted in the

20 chambers except those authorized as exceptions under subsection (1) or (2).

21 (4) Members of the majority staff and minority staff shall have floor privileges and those privileges may

22 not be revoked unless there is a serious breach of decorum.

23 **S20-55. Representatives of the media -- floor pass.** (1) Representatives of the media are not

24 permitted in chambers without a valid floor pass.

25 (2) The Sergeant-at-Arms, at the direction of the President, controls when and where individuals with a

26 floor pass will be granted access to chambers. An individual with a floor pass is not guaranteed access to the

27 floor and may be denied future access for violating rules of decorum.

28 **S20-60. Communications to Senate.** A communication to the Senate must be addressed to the

President and must bear the name of the person submitting it. The President shall decide if the communication bears including in the calendar.

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

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

### CHAPTER 3

#### Committees

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

(b) The membership of the Committee on Committees consists of the Senators representing the following districts:

(i) Senate District 12;

(ii) Senate District 13;

(iii) Senate District 15;

(iv) Senate District 21; and

(v) Senate District 7.

(2) (a) (i) The Except as provided in subsection (2)(b), the Committee on Committees shall, with the approval of the Senate, appoint the members of Senate standing committees, joint committees, and interim committees. Prior to making committee assignments, the Committee on Committees shall take into consideration the recommendations of the minority leader for minority committee assignments.

(ii) The Committee on Committees shall appoint the members of all conference committees.

(b) Pursuant to these rules, the Committee on Committees recommendations regarding standing committee and appropriations joint subcommittee member assignments, recorded during its November 14, 2024, December 3, 2024, and December 18, 2024, meetings and publicly posted on December 18, 2024, are adopted for the 69th Legislative Session, with the following exceptions:

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(i) the member representing Senate District 8 is appointed to the Business, Labor, and Economic Affairs Committee;

(ii) the member representing Senate District 13 is appointed to the Finance and Claims Committee and to the Joint Appropriations Subcommittee on Long Range Planning (Section F);

(iii) the member representing Senate District 14 is appointed to the Finance and Claims Committee and to the Joint Appropriations Subcommittee on Health and Human Services (Section B);

(iv) the member representing Senate District 15 is appointed to the Business, Labor, and Economic Affairs Committee;

(v) the member representing Senate District 23 is removed from the Taxation Committee and is appointed to the Finance and Claims Committee and to the Joint Appropriations Subcommittee on Health and Human Services (Section B);

(vi) the member representing Senate District 31 is appointed to the Finance and Claims Committee and to the Joint Appropriations Subcommittee on General Government (Section A);

(vii) the member representing Senate District 32 is appointed to the Taxation Committee;

(viii) the member representing Senate District 45 is appointed to the Business, Labor, and Economic Affairs Committee;

(ix) the member representing Senate District 43 is not the chair of the Executive Branch Review Committee;

(x) the membership of the Committee on Committees is as provided in subsection (1)(b); and

(xi) the membership of the Ethics Committee is as provided in S30-160(5).

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

(4) The ~~President of the Senate~~ Committee on Committees shall appoint all conference committees and select committees, with the advice of the majority leader and minority leader.

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

(6) The Committee on Committees shall designate rooms for use and assign office space for any member of the Committee on Committees.

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

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(a) class one committees:

(i) Business, Labor, and Economic Affairs;

(ii) Finance and Claims;

(iii) Judiciary; and

(iv) Taxation;

(b) class two committees:

(i) Highways and Transportation;

(ii) Local Government;

(iii) Natural Resources;

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

(v) State Administration;

(c) class three committees:

(i) Agriculture, Livestock, and Irrigation;

(ii) Education and Cultural Resources;

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

(iv) Fish and Game; and

(d) on-call committees:

(i) Ethics;

(ii) Executive Branch Review;

~~(ii)(iii)~~ Legislative Administration; and

~~(iii)(iv)~~ Rules.

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

(3) (a) All nominations from the Governor for directors of agencies listed in 2-15-104, MCA, and requiring confirmation by the Senate must be assigned to the Executive Branch Review Committee.

(b) No other legislation or nominations may be referred or assigned to the Executive Branch Review Committee.

(c) Prior to the introduction of a confirmation resolution pursuant to subsection (3)(a), the President of the Senate shall designate the chair of the Executive Branch Review Committee or the President's designee to introduce the simple resolution. For purposes of this rule, S30-70(2) is superseded if the sponsor is not present for the hearing. The Committee may designate a member of the Committee to open and close on the simple resolution for the hearing.

(d) The Executive Branch Review Committee terminates the date that the 69th Legislature adjourns sine die.

~~(3)(4)~~ The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's recommendations must be submitted to the leadership nominated or elected at the presession caucus.

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

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

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

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

(b) scheduling hearings and executive action;

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

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

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

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

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

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

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

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

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

22           (a) a violation of:

23           (i) 2-2-103;

24           (ii) 2-2-104;

25           (iii) 2-2-111;

26           (iv) 2-2-112; or

27           (v) Joint Rule 10-85;

28           (b) the use or threatened use of a Senator's position for personal or personal business benefit or



1 advantage; or

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

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

5 (4) A Senator may seek a determination from the Ethics Committee concerning the possibility of a  
6 personal conflict of interest.

7 (5) (a) Effective until the 70th Legislature is elected and takes office, the membership of the Ethics  
8 Committee consists of the Senators representing the following districts:

9 (i) Senate District 26;

10 (ii) Senate District 28;

11 (iii) Senate District 33; and

12 (iv) Senate District 40.

13 (b) A member of the Ethics Committee may resign and the Committee on Committees shall appoint a  
14 replacement.

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16

## CHAPTER 4

17

### Legislation

18

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

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

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

24 (3) simple resolutions, which may:

25 (a) adopt or amend Senate rules;

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

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

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

1 day.

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

3 **S40-60. Scheduling for second reading.** (1) (a) 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 within 5 legislative days for consideration by Committee of the  
6 Whole.

7 (b) (i) All bills and resolutions must be placed on the second reading agenda prior to the applicable  
8 transmittal date regardless of whether the bill has been amended in committee.

9 (ii) Governor's amendments and House amendments to Senate legislation must be placed on the  
10 second reading agenda within 2 legislative days from the date of transmittal of the amendments to the Senate.

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

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

## 16 CHAPTER 5

### 17 Floor Action

18 **S50-10. Attendance -- mandatory voting -- quorum.** (1) Unless excused by the President, majority  
19 leader, or minority leader, Senators must be physically or remotely present every sitting of the Senate and shall  
20 vote on questions put before the Senate.

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

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

26 (1) communications and petitions;

27 (2) reports of standing committees;

28 (3) reports of select committees;

- 1 (4) messages from the Governor;
- 2 (5) messages from the House of Representatives;
- 3 (6) first reading and commitment of bills;
- 4 (7) second reading of bills (Committee of the Whole);
- 5 (8) third reading of bills;
- 6 (9) motions;
- 7 (10) unfinished business;
- 8 (11) special orders of the day; and
- 9 (12) announcement of committee meetings.

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

11 **S50-30. Limitations on debate.** A Senator may not speak more than twice on any one motion or  
12 question without unanimous consent of the Senate, unless the Senator has introduced or proposed the motion  
13 or question under debate, in which case the Senator may speak twice and also close the debate. However, a  
14 Senator who has spoken may not speak again on the same motion or question to the exclusion of a Senator  
15 who has not spoken.

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

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

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

23 **S50-50. Precedence of motions – debate limitations on motions.** (1) When a question is under  
24 debate only the following privileged and subsidiary motions may be made:

- 25 (a) to adjourn for the day (nondebatable S50-60);
- 26 (b) to adjourn sine die (debatable S50-135);
- 27 (c) for a call of the Senate (nondebatable S50-60);
- 28 (d) to recess (nondebatable S50-60);

(e) question of privilege;  
(f) to lay on the table (nondebatable S50-60);  
(g) for the previous question (nondebatable S50-60);  
(h) to postpone to a certain day;  
(i) to refer or commit;  
(j) to amend;  
(k) subject to subsection (1)(l), to postpone indefinitely; and  
(l) to postpone indefinitely on a bill or resolution after its failure to receive a majority of those present and voting on second reading.

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

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

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

(5) The presiding officer shall recognize the majority leader or the minority leader at any time, except during the period between the close on a motion and the vote.

(6) Unless provided otherwise in these rules, debate on debatable motions in Order of Business No. 9 consists of:

(a) an opening by the sponsor of the motion;

(b) three proponents of the motion;

(c) three opponents of the motion; and

(d) a closing on the motion by the sponsor.

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

(1) to adjourn for the day;

(2) for a call of the Senate;

(3) to recess or rise;

1 day of the adoption of the committee report and is not in order if the bill has been considered in Committee of  
2 the Whole.

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

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

7 **S50-130. Conference committee -- reports.** (1) When a conference committee report is filed with the  
8 Secretary of the Senate, the report must be read under Order of Business No. 3, select committees, and placed  
9 on the calendar the succeeding legislative day for consideration on second reading. If recommended favorably  
10 by the Committee of the Whole, it may be considered on third reading the same legislative day.

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

15 (3) If the Senate rejects a conference committee report, the committee continues to exist unless  
16 dissolved by the President Committee on Committees or by motion. The committee may file a subsequent  
17 report.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) recommend passage or nonpassage;

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

(c) amend;

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

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

(f) pass consideration;

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

(h) call for cloture;

~~(h)-(i)~~ rise (nondebatable S50-60(3));

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

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

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

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

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

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

**S50-175. Limits on debate in the Committee of the Whole.** (1) A Senator may not speak more than once on the motion and may speak for no more than 5 minutes. The Senator who makes the motion may speak a second time for 5 minutes in order to close.

(2) (a) Except as provided in subsection (2)(b), after at least two proponents and two opponents have spoken on a question and 30 minutes have elapsed from the point in time that the sponsor's opening remarks on the motion end and debate on the motion begins, a motion to call for cloture is in order.

(b) (i) The 30-minute tolling requirement for a cloture motion made pursuant to subsection (2)(a) does not include time spent on floor debate of a substitute motion to amend the original question.

(ii) Each substitute motion to amend the original question is subject to a cloture motion and the cloture requirements provided for in this rule.

(iii) Once a substitute motion to amend is dispensed with and there are no other substitute motions to amend, the 30-minute tolling requirement for the original question pursuant to subsection (2)(a) resumes from the point in time at which the first substitute motion to amend was made.

(c) Approval by not less than two-thirds of the members present and voting is required to sustain a motion for cloture. Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate was ended may close.

(3) By previous agreement of the majority leader and the minority leader:

(a) a lead proponent and a lead opponent may be granted additional time to speak on a bill; and

(b) a bill or resolution may be allocated a predetermined amount of time for debate and number of speakers.

(4) A Senator, when speaking in the Committee of the Whole, shall keep the Senator's discussion to



the bill and avoid discussion of topics unrelated to the bill.

**S50-180. Voting on second reading -- positive disposition of motions.** (1) On Order of Business

No. 7, in addition to other methods, a recorded vote may be made in the following manner: the chair may call for a voice vote to accept or reject a question. If the vote is other than unanimous, the chair may ask that the lesser number on the question indicate their vote by an approved method of counting votes. The Secretary will then record the vote. The chair may then rule that unless excused those of the greater number and physically or remotely present have voted on the prevailing side of the question and that their vote be recorded as voting on the prevailing side. If there was a unanimous voice vote, all those physically or remotely present will be recorded as having voted for the question.

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

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

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

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

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

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

(3) A Senator may move to change the Senator's vote, on any recorded vote, within 1 legislative day of the vote. The Senator making the motion shall first specify the bill number, the date of the vote, and the original



1 vote tally. A vote may not be changed if it would affect the outcome of legislation. The motion is nondebatable.

2 If none of the Senators physically or remotely present object, the change must be entered into the journal.

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

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

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

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

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

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

15 (5) Absentee voting is not allowed on third reading.

16 (6) An excused senator may vote using the absentee form or through remote voting at any time without  
17 consent of any legislative leader.

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.

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

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

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

## CHAPTER 7

### Nominations from the Governor

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

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

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

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

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

(a) received by the President;

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

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

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

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

(b) ~~Prior~~ Except as provided in S30-20(3), prior to introduction of the resolution, the President of the Senate shall designate the appropriate committee chair or other member of the Senate to introduce the simple resolution.

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

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

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

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

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

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