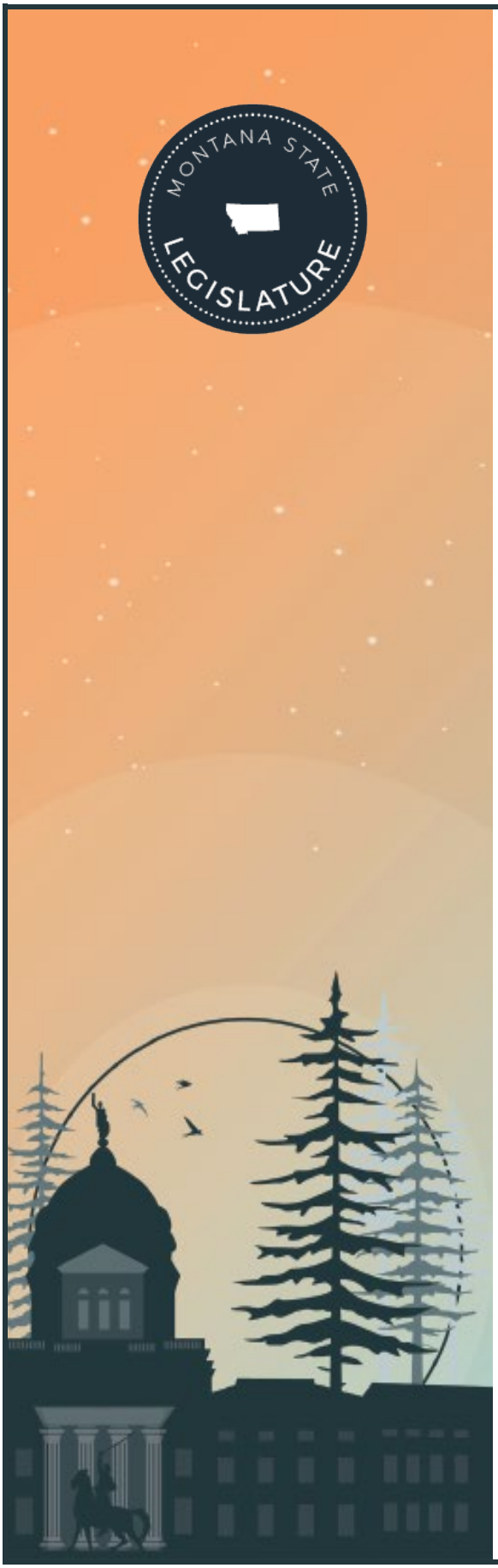

RULES, PROCEDURES, AND GUIDELINES FOR INTERIM COMMITTEES

ADOPTED BY LEGISLATIVE COUNCIL
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Preamble: Legislative committees operating during the interim between regular legislative sessions constructively and collectively address and resolve critical public policy issues for Montanans. It is the general policy of the Legislature that interim committees reach general agreement on any issue that requires a committee decision. If general agreement cannot be reached, the presiding officer may call for a vote of the members.

RULES, PROCEDURES, AND GUIDELINES FOR LEGISLATIVE INTERIM COMMITTEES AND ACTIVITIES

QUORUMS/PARLIAMENTARY PROCEDURES

1. Meetings of legislative interim committees (committees) are held in the State Capitol unless designated by the presiding officer.

2. Regular meetings are publicly noticed 10 days prior to each meeting.

3. Public notice includes posting to the Legislative Branch website the time, location, and agenda of meetings, disseminating the material to news media, committee members, and interested persons. Staff of the Legislative Services Division (LSD) shall maintain an updated mailing list of persons stating an interest in each committee's activities. Anyone who requests to be included on the mailing list must be included. If practical and feasible, notice may also be given by U.S. mail, e-mail, fax, or other means.

4. A majority of members at any meeting or the presiding officer may call a special meeting with at least 24-hour notice to the members. A special meeting may not include agenda items that require a public hearing.

5. Meetings of committees and subcommittees are conducted under the established rules of the Montana Senate as to quorums and parliamentary procedure.

6. Meetings may provide for remote meeting participation by members and the public.

PUBLIC PARTICIPATION GUIDELINES

1. Interim committee members review and assess the development and implementation of public policy. Public comment is required and assists committees in their policy role.

2. Each committee is committed to providing an opportunity for effective public involvement in public policy development and review.

    a. Public comment is accepted on agenda items. Public comment is accepted in person, through written communication, or through remote meeting methods.

b. Public comment provided in person to the committee is a public record that is videotaped, archived, and available on the website. Public comment submitted in writing at a committee meeting is a public record that will be posted to the legislative website as part of the minutes log.

3. To manage the committee's time and agenda, the presiding officer of a committee may limit individual public comment in a manner that allows equal and fair opportunity for public comment.

4. Submission of written comments is encouraged. Written comments are accepted at any time through electronic or regular correspondence and will be copied to all committee members and entered into the record.

5. Common courtesy is required.

6. The presiding officer may recess committee meetings when considered appropriate.

7. Recording or videotaping of committee meetings is permissible in a manner that does not disrupt the meeting.

ELECTION OF OFFICERS

Nominations for the presiding officer and vice-presiding officer of a committee are made during the first meeting of the committee after appointments of new members. Pursuant to 5-5-213, MCA, the presiding officer and the vice-presiding officer may not be of the same political party. To be elected, a candidate must obtain a majority of votes through a voice vote or roll call vote.

VOTING AND PROXY VOTES

Proxies are discouraged. For the exercise of a proxy to be valid, the deputized member shall hold a written proxy from the absent member.

APPOINTMENTS

The presiding officer, in consultation with the vice-presiding officer, may appoint a member as the presiding officer of a subcommittee, a member of a subcommittee, and as necessary, nonlegislative members of special committees.

SUBCOMMITTEES

1. The presiding officer, in consultation with the vice-presiding officer, may establish temporary or standing subcommittees of the interim committee to make investigations or perform other functions as delegated by the committee. Subcommittees require the same staffing and support as the whole committee.

2. The presiding officer of a subcommittee shall work closely with the committee staff in determining research priorities within the topic areas assigned to the subcommittee. Significant conflicts between committee research and subcommittee research responsibilities may be referred to the presiding officer for resolution.

3. The presiding officer of a subcommittee shall make, on behalf of the subcommittee, periodic reports and recommendations to the committee.

4. Any recommendation of a subcommittee is a recommendation to the full committee only. Only the full committee takes action to implement a recommendation, which should be based on clearly stated findings and recommendations that are formally adopted by the full committee.

STAFF RESEARCH AND EQUIPMENT

1. The Executive Director of the LSD is responsible for managing the staff's workload under guidelines established by the Legislative Council.

2. Committee staff assist individual committee members on requests by compiling and analyzing material relating to the committee's statutory responsibilities.

3. By the conclusion of the second regular meeting following appointment of new members, the committee shall establish a work plan for the biennium.

4. Priority is given to research relating to the committee's primary study topics as identified in the approved committee work plan.

5. A request from an individual member for research not included in the work plan may not interfere with research required by the plan. Staff work to respond to a research request not included in the work plan may not exceed 16 hours without approval of the presiding officer and vice-presiding officer.

6. The limitation on conducting research does not apply to bill drafting services during and immediately preceding a legislative session.

7. Legislative Services Division equipment, including but not limited to telephones, computers, software, and copying and fax machines, is primarily for the use of LSD staff but may be made available to committee members for committee business. Use of LSD equipment at any time may not interfere with the staff's need for and use of the equipment. Any use of LSD equipment must be for legislative business only.

TRAVEL AND EXPENSE REIMBURSEMENT

1. The presiding officer shall approve or deny out-of-state travel by committee members that includes a request for reimbursement from the committee's budget.

2. Committee members shall receive salary and reimbursement for meals, lodging, mileage, and miscellaneous expenses as provided by law and the travel policy established by the Legislative Council.

3. Overnight lodging is allowed when a legislator is required to leave home earlier than 6:30 a.m. or arrive home later than 6:30 p.m. to attend the full meeting or conduct all of the legislative business authorized. To compute whether this is required, an average travel speed (overall including incidental stops) of 50 miles an hour is used. The one-half hour immediately preceding and immediately following a meeting or legislative activity is an in-town travel shift and considered to be part of the total meeting schedule for the purposes of the reasonableness computation.

4. A member is considered necessarily away from home on the day of a meeting or other authorized legislative activity and on any other day when travel is required.

5. Subject to statute, a meal falling within reasonable travel times may be claimed. Special circumstances are considered in determining reasonableness. Such circumstances may include inclement weather, a legislator's health, variables related to flying instead of driving, and schedule conflicts which require a member to choose a more expensive mode of travel in order to participate in the legislative activity. Special circumstances should be clearly presented on the claim form.

MINUTES OF INTERIM COMMITTEE MEETINGS

1. Digital recordings of interim committee meetings are the official minutes of interim committee meetings.

2. Staff produces an annotated log as an index and time stamp to the record. The log:

    a. indicates at what points during the meeting the various agenda items are found in the digital record;
    b. identifies each speaker and details each motion and vote;
    c. describes the topic of discussion, including identification of critical discussion or questions between committee members and witnesses, staff, and each other; and
    d. establishes links on the website to documents discussed by or presented to an interim committee.

3. If a committee tours or travels outside a meeting room setting, the minutes identify the location of the tour or travel, and committee and staff attendance.

REQUESTS FOR MATERIAL

1. Right to Know Policy:

    a. Records subject to constitutional individual privacy protection are protected from public review or scrutiny.
    b. All other records are subject to right to know provisions of the Constitution.
    c. It is necessary for the staff to protect records from theft, loss, defacement, or alteration and to prevent undue interference with the discharge of committee functions.

2. The following procedures apply to records that are available for public inspection and copying:

    a. Committee records are available for inspection and copying upon request by any person during regular office hours of the LSD.
    b. The request may be oral or in writing to the Executive Director of the LSD and must reasonably identify the record wanted.
    c. The records may be inspected in appropriate accommodations within the State Capitol as identified by the Executive Director.

d. Copies of material will be made and distributed at a cost-reimbursable rate. Requests for copying that involve excessive staff time may be referred to the Executive Director. The person making a request may be required to copy the records in the offices of the Legislative Services Division.

3. The following records are not available for public inspection and copying:

   a. Personnel records, except general employment information, such as dates and duration of employment, title of position, and salary.
   b. Prior to bid opening, information that would give advantage to any person bidding on services or other contracts sought by the committee.
   c. Material prepared in anticipation of litigation that would not be available to a party in litigation with the committee under the Montana Rules of Civil Procedure on pretrial discovery.
   d. Prior to any testing period, materials used to test job applicants if disclosure would compromise the fairness or objectivity of the testing process.
   e. Proprietary information, including computer programs, which is entrusted to the committee under exclusive contract.
   f. Any other information that the Executive Director of the LSD determines to be not available because the demands of individual privacy clearly exceed the merits of public disclosure.

COMPLETION OF INTERIM COMMITTEE WORK

1. September 15 prior to a regular legislative session is the guideline date for completing interim committee work.

2. Completing interim committee work means that the committee:

   a. adopts findings, conclusions, and recommendations, if any, with respect to an interim study assigned to it by bill, by the Legislative Council, or under its own authority;
   b. approves publications requested by the committee or required by statute;
   c. if a final report is prepared, approves a draft of the report, as prepared by the committee's staff;

      i. approves for introduction in the next legislative session all draft legislation, which may include up to four bill drafts on a partisan basis and an unlimited number of bill drafts on a bipartisan basis as allowed in 5-5-215(2), MCA that is prepared by the committee's staff on behalf of the committee; and

ii. assigns a member of the committee, preferably an unopposed or holdover legislator, as the sponsor of proposed legislation. An interim committee may assign a member who is up for election to sponsor the legislation upon reelection to the body or, in special circumstances and with the consent of the legislator requested, may request a legislator who is not a member of the committee to sponsor committee legislation;

d. submits for LSD drafting any request for legislation made on behalf of an executive branch agency or entity described in and for which the committee has monitoring responsibility under 5-5-215(1)(c), MCA. Executive branch agencies or other entities shall provide requested legislation descriptions of that include the completed Executive Process Planning form required by the Governor's Office of Budget and Program Planning or equivalent information. To provide the committee adequate time to review the legislation and provide comments, requests should be submitted by June of the even numbered year; and

e. completes all other duties and responsibilities assigned to a committee under Title 5, chapter 5, MCA, or elsewhere in the MCA, unless another date is specifically provided by law or in case of exigency.

EDUCATING INTERESTED PARTIES

1. Interim committees should educate entities or individuals interested in the legislative processes, particularly those processes involving preparation of agency-requested legislation, interim committee review, and preintroduction of bills, including deadlines and target dates.

2. To promote efficiency and consistency, the basic processes, timelines, etc. apply uniformly to all interim committees, executive agencies, and entities assigned to executive agencies, statewide elected officials, and the university system.