

OPERATING PROCEDURES OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL

**UPDATED TO REFLECT THE RULES
ADOPTED BY LEGISLATIVE
COUNCIL**

DRAFT

2025-2026



DRAFT

Prepared by Laura Sherley, Research Analyst
For the Council's July 2025 Meeting

BACKGROUND

The Montana Criminal Justice Oversight Council (the council) was created by SB 59 of the 65th Montana Legislature to monitor and report on the effects of criminal justice legislation. In 2021, the 67th Montana Legislature passed HB 73, which assigned Legislative Services Division staff to support the council's efforts. The statutory duties and membership requirements of the council are codified in MCA 53-1-216. The council reports to the Law and Justice Interim Committee and the Legislative Finance Committee.

The council is subject to the [Legislative Council's Rules, Procedures, and Guidelines](#). The rules and guidelines provide structure and outline the requirements for the councils' work, including public notice and participation requirements, parliamentary procedures, and the use of staff.

NOTE: This document is based on the Legislative Council's Rules, Procedures, and Guidelines with specific adjustments made for the council. These adjustments are reflected in sections III, IV, VII, VIII, and XI, and references to interim committees have been changed to the council.

I. QUORUMS AND PARLIAMENTARY PROCEDURES

- A. Meetings of the council are held in the State Capitol in Helena unless otherwise designated by the presiding officer.
- B. Generally, notice of meetings will be given to the members and the public a minimum of 10 days prior to each meeting. However, a meeting may be scheduled, with notice appropriate to the circumstances, by the presiding officer or a majority of the council.
- C. Public notice includes posting to the Legislative Branch website the time, location, and agenda of meetings and disseminating the material to news media, council members, and interested persons. Staff of the Legislative Services Division (LSD) shall maintain an updated interested parties list of persons stating an interest in the council's activities. Anyone who requests to be included on the interested parties list must be included. If practical and feasible, notice may also be given by U.S. mail, email, fax, or other means.
- D. 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.
- E. Meetings of the council are conducted under the established rules of the Montana Senate as to quorums and parliamentary procedure.
- F. Meetings may provide for remote meeting participation by members and the public.

II. PUBLIC PARTICIPATION GUIDELINES

- A. The council is committed to providing an opportunity for effective public involvement in public policy development and review.
 - (1) Public comment is accepted on agenda items. Public comment is accepted in person, through written communication, or through remote meeting methods.
 - (2) Public comment provided to the council in person and through videoconferencing is a public record that is recorded, archived, and available on the council's website. Public comment submitted in writing is a public record that will be posted to the council's website as part of the summary minutes log for the council meeting.
- C. To manage the council's time and agenda, the presiding officer may limit individual public comment in a manner that allows equal and fair opportunity for public comment.
- D. Submission of written public comments is encouraged. Written comments are accepted at any time through electronic or regular correspondence and will be copied to all council members and entered into the record.

Written comments may be submitted to the council at:

Criminal Justice Oversight Council
PO Box 201706
Helena, MT 59620-1706
Web Form: <https://participate.legmt.gov/>
Fax: 406-444-3036

- E. Common courtesy is required.
- F. The presiding officer may recess council meetings whenever considered appropriate.
- G. Recording or videotaping of council meetings is permissible in a manner that does not disrupt the meeting. The presiding officer may designate areas of the hearing room from which the equipment must be operated. Cell phone use is at the discretion of the presiding officer.

III. ELECTION OF OFFICERS

Nominations for the presiding officer, who must be a legislator, and vice-presiding officer of the council are made during the first meeting of the council after each legislative session.

- A. To be elected, a candidate shall obtain majority vote or a majority vote in accordance with Section III(B).
- B. Members shall vote for the presiding officer and vice-presiding officer by voice vote or a roll call vote.

IV. VOTING AND PROXY VOTES

A. Motions:

(1) A second to a motion is not required in order for a motion to be considered by the council.

(2) A motion may be adopted only on the affirmative vote of a majority of council members.

- B. A council member may attend a meeting via telephone or teleconference. A member's attendance via telephone or teleconference is treated in the same manner as a member's attendance in person. A member attending via telephone or teleconference is expected to engage in discussion and votes.
- C. The use of proxy votes is allowed. For the exercise of a proxy to be valid, the deputized member shall hold a written proxy from the absent member. Written proxies include email communications.
- D. When a statutorily appointed director is not available, the department's deputy director may appear at a council meeting to represent the interests of the department. The deputy director may not vote; instead, the director may designate a proxy in accordance with Section IV, subsection (C).

V. 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.

VI. SUBCOMMITTEES

- A. The presiding officer, in consultation with the vice-presiding officer, may establish temporary or standing subcommittees of the council to make investigations or perform other functions as delegated by the council. Subcommittees require the same staffing and support as the whole council.
- B. The presiding officer of a subcommittee shall work closely with the council staff in determining research priorities within the topic areas assigned to the subcommittee. Significant conflicts between council research and subcommittee research responsibilities may be referred to the presiding officer for resolution.

- C. The presiding officer of a subcommittee shall make, on behalf of the subcommittee, periodic reports and recommendations to the council.
- D. Any recommendation of a subcommittee is a recommendation to the council only. Only the council takes action to implement a recommendation, which should be based on clearly stated findings and recommendations that are formally adopted by the council.

VII. STAFF RESEARCH

- A. The Executive Director of the LSD is responsible for managing the staff's workload under guidelines established by the Legislative Council.
- B. Council staff assist individual council members on requests by compiling and analyzing material relating to the council's statutory responsibilities.
- C. By conclusion of the second regular meeting after each legislative session, the council shall establish a work plan for the biennium.
- D. Priority is given to research relating to the council's primary study topics as identified in the approved council work plan.
- E. A request from an individual council 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.

VIII. TRAVEL AND EXPENSE REIMBURSEMENT

- A. The presiding officer is responsible for authorizing out-of-state travel by council members that will result in a request for reimbursement from the council's budget.
- B. Council members shall receive salary as provided by law:
 - (1) Legislative members must be compensated as provided in MCA 5-2-302.
 - (2) Members of the council who are full-time salaried officers or employees of this state or any political subdivision are entitled to their regular compensation per MCA 53-1-213.
- C. Council members shall be reimbursed for meals, lodging, mileage, and miscellaneous expenses as provided by law in MCA 2-18-501 through 2-18-503, and the travel policy established by the Legislative Council. For further information about reimbursement, please reach out to the Legislative Financial Office at LEGFinServices@legmt.gov.

IX. MINUTES OF COUNCIL MEETINGS

- A. The digital recordings of council meetings are the official minutes of the council meetings.
- B. In conjunction with the digital minutes, staff will prepare an annotated log as an index and time stamp to the digital record. The log will:
 - (1) indicate at what points during the meeting the various agenda items are found in the digital record;
 - (2) identify each speaker and detail each motion and vote;
 - (3) describe the topic of discussion, including identification of critical discussion or questions between council members and witnesses, staff, and each other; and
 - (4) establish links on the website to documents discussed by or presented to the council.
- C. If the council tours or travels outside a meeting room setting, the minutes will identify the location of the tour or travel and council and staff attendance.

X. REQUESTS FOR MATERIAL

- A. Right to Know Policy:
 - (1) Records subject to constitutional individual privacy protection are protected from public review or scrutiny.
 - (2) All other records are subject to right to know provisions of the Constitution.
 - (3) It is necessary for the staff to protect records from theft, loss, defacement, or alteration and to prevent undue interference with the discharge of council functions.
- B. The following procedures apply to records that are available for public inspection and copying:
 - (1) Council records are available for inspection and copying upon request by any person during regular office hours of the LSD.
 - (2) The request may be oral or in writing to the Executive Director of the LSD and must reasonably identify the record wanted.
 - (3) The records may be inspected in appropriate accommodations within the State Capitol as identified by the Executive Director.

- (4) 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.

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

- (1) Personnel records, except general employment information, such as dates and duration of employment, title of position, and salary.
- (2) Prior to bid opening, information that would give advantage to any person bidding on services or other contracts sought by the council.
- (3) Material prepared in anticipation of litigation that would not be available to a party in litigation with the council under the Montana Rules of Civil Procedure on pretrial discovery.
- (4) Prior to any testing period, materials used to test job applicants if disclosure would compromise the fairness or objectivity of the testing process.
- (5) Proprietary information, including computer programs, which is entrusted to the council under exclusive contract.
- (6) 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.

XI. CYCLE OF COUNCIL WORK

The Legislative Council's Rules, Procedures, and Guidelines provide a guideline date of September 15, 2026, for completing interim-related work. Completing interim-related work means that the council

- 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 council or required by statute;
- C. if a final report is prepared, approves a draft of the report, as prepared by the council's staff;
- D. approves for introduction in the next legislative session all draft legislation that is prepared by the council's staff on behalf of the council;
- E. assigns a legislative member of the council, preferably an unopposed or holdover legislator, as the sponsor of proposed council legislation; and
- F. completes all other duties and responsibilities assigned to the council under MCA 53-1-216, unless another date is specifically provided by law or in case of exigency.