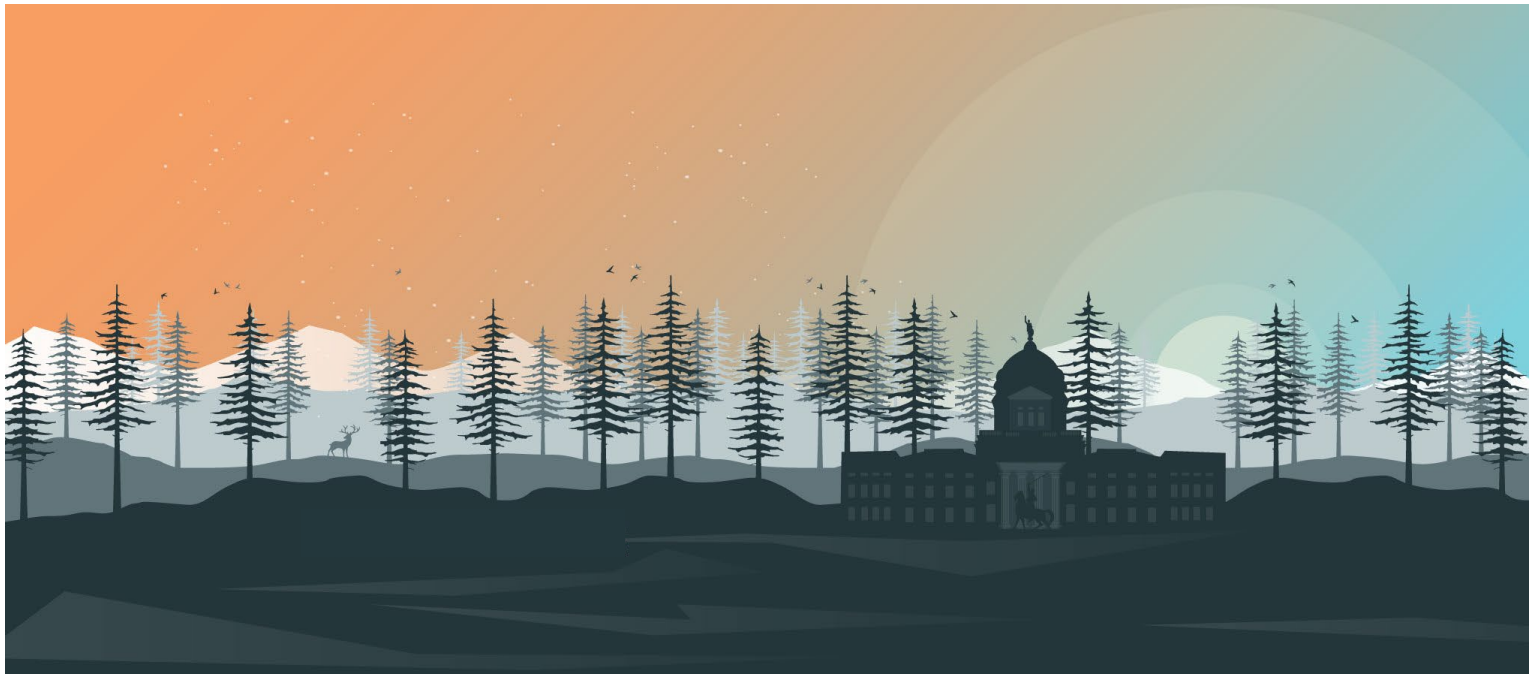


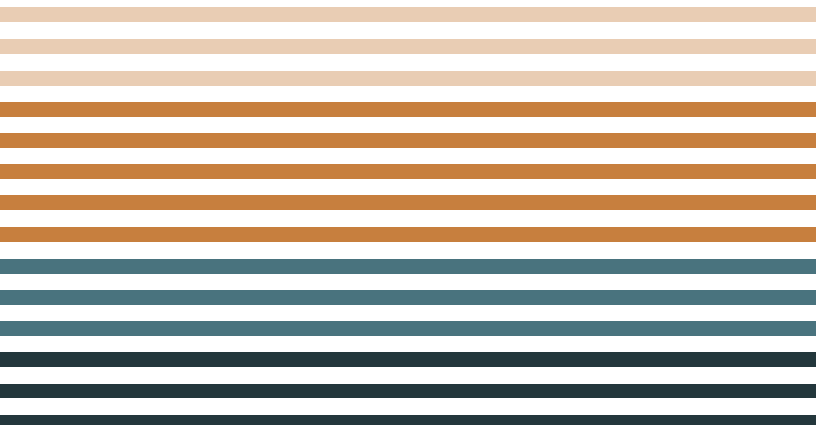
# 2022 COMMITTEE PRESIDING OFFICER MANUAL

68<sup>th</sup> MONTANA STATE LEGISLATURE

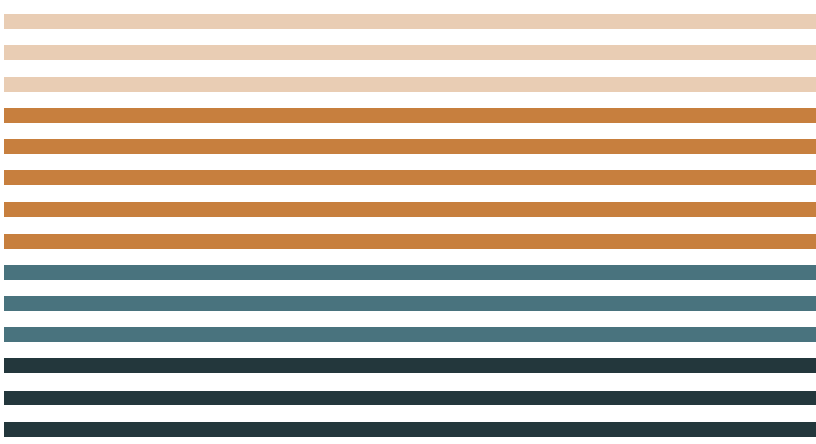


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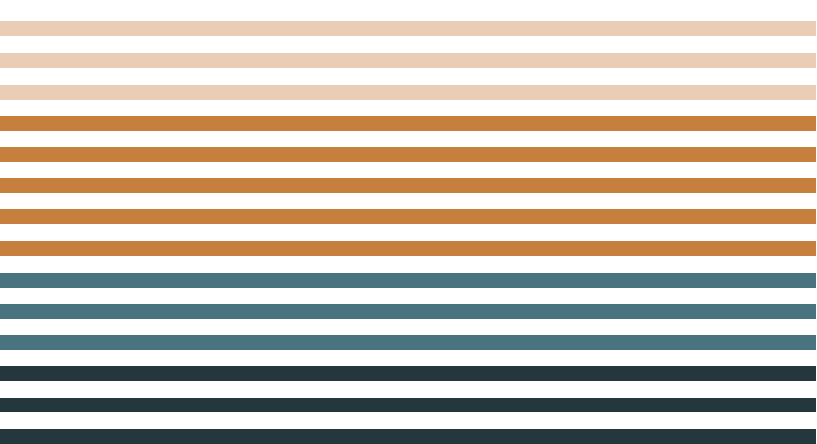
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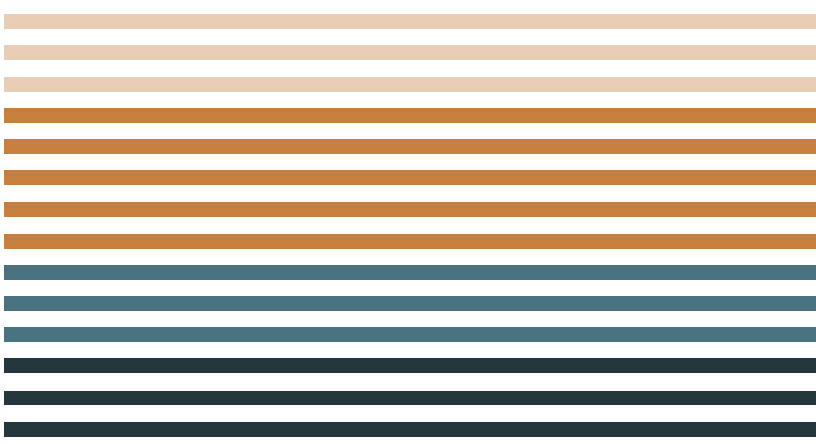


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# A KEY LEGISLATIVE ROLE

## KEY POINTS TO REMEMBER

- All committee meetings are open to the public under the Montana Constitution, Article II, Section 8, "Right of Participation", and Section 9, "Right to Know", as implemented by Title 2, chapter 3, part 2, Montana Code Annotated, regarding open meeting laws. In addition, Article V, Section 10(3) of the Montana Constitution specifically requires that all committee meetings and all hearings are open to the public.
- All members of the public must be allowed to testify, even if only to state their name and voice their support or opposition.

A presiding officer of a committee, also known as committee chair, can help a committee's work process go as smoothly as possible.

## REFERENCE TOOLS

- The Montana Constitution, particularly Article II, Section 8 and Section 9, and Article V, Section 10(3)
- The Joint Rules of the Montana Legislature or the rules for either the House or the Senate
- "Mason's Manual of Legislative Procedure" (not "Robert's Rules of Order", which is used in many city and county committees)
- The related guidelines in this Presiding Officer Manual

**Article II, Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Article II, Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

**Article V, Section 10. Organization and Procedure.** (3) The sessions of the legislature and of the committee of the whole, all committee meetings, and all hearings shall be open to the public

Note: Joint rules remain in effect until removed by a joint resolution or until a new Legislature is elected and takes office.

Rules adopted by the House remain in effect until removed by House resolution or until a new House is elected and takes office. (Senate Rules are silent on this.)

Look here for rules on "Committees:"

- chapter 30 in the Joint Rules
- chapter 3 in the Senate Rules: and
- chapter 3 in the House Rules

(Specific references to the Joint, House, and Senate Rules are not included in this manual as there are traditionally changes made to the rules from session to session and the rules are not adopted until session begins.)

# PRESIDING OFFICER GOALS

## PROVIDE FAIR HEARINGS

A fair hearing provides the best experience for citizens and committee members. Controlling the hearing process ensures that hearings are publicly noticed and conducted in a manner that demonstrates respect for members of the public as well as the committee.

Key factors include:

- Time management
- Observation of committee rules so that committee members as well as the public know what is required and what to expect.
- Compliance with the law, which protects against challenges of legislation based on faulty procedures.

Pay Attention to:

- Time management
- Consistent application of rules
- Avoiding debates on process so policy merits are the focus

## DEBATE LEGISLATION ON MERITS RATHER THAN SPENDING TIME ON PROCESS DEBATES

The presiding officer should avoid the appearance of bias, make witnesses feel at ease, and make sure legislators and citizens are aware of the rules and decorum.

# RESPONSIBILITIES OF COMMITTEE PRESIDING OFFICERS/STAFF

## COMMITTEE PRESIDING OFFICER

Mason's describes the presiding officer's duties as "ministerial". What that means is that the presiding officer, appointed by the Speaker of the House or the Senate Committee on Committees, both leads the committee by performing organizational duties and works with the committee to achieve the will of the majority.

Although the presiding officer is responsible for efficient management of the committee, including appropriate scheduling of bills for hearing or executive action and ensuring fair and unbiased decorum, it is the committee, as a whole, that is responsible for gathering public comment; reviewing, analyzing, and amending bills; and recommending the passage or disapproval of bills.

Committee organization, operation, and management are the main duties of the presiding officer and are covered in this manual.

### Presiding Officer Responsibilities and Checklist

- ✓ Make sure hearings are noticed.
- ✓ Make sure all bills receive a hearing.
- ✓ Ask leadership to request a fiscal note if a bill does not have one and a committee member wants one.
- ✓ If a bill has a fiscal note, make sure it is provided to committee members before reporting the bill out of the committee.
- ✓ Guarantee all members of the public an opportunity to testify or, if time is limited, to identify themselves, their organization, or who they represent, and whether they are an opponent or a proponent of a bill.

## Getting Started - Background Information and Initial Duties

### Scheduling Agency or Committee Bills

Legislative rules require that agency bills and bills requested by interim committees are introduced before session convenes. This efficiency measure helps staff to draft bills before the election so that after the election bill drafting can begin more quickly for individual legislators.

Preintroduced bills are ready for a committee to hear early in the session; however, the presiding officer may schedule the bills whenever the presiding officer wishes. It may be convenient to hear those agency or interim committee bills early in the session or it may be appropriate to wait until the committee is more familiar with the issues. The Speaker of the House or the Senate President may provide input on the timing.

#### Scheduling Tool

Legislative Services provides a list of all bills available for scheduling and notes whether the bill has a fiscal note and what bill type it is. The committee secretary can print a copy, updated daily.

Some agency bills are referred to as 'housekeeping' bills. This term implies that there are not significant substantive issues in the bill. If the committee desires more information rather than to assume the changes are insignificant, the presiding officer should ask staff to contact the agency to prepare a brief summary of the changes in the bill or have the staffer prepare that information.

### Organizing Presentations

Prior to scheduling bills, a presiding officer may wish to ask one or more agencies that normally present bills before that committee to give a brief introduction to the agency's duties in the first week or two. The presiding officer may ask staff to contact the agency.



## Working with Staff

Committee staff includes:

- the committee secretary, who reports to either the Clerk of the House or the Secretary of the Senate;
- the committee researcher or attorney, who is part of the nonpartisan staff that works for the Legislative Services Division or, for the appropriations or finance committees, for the Legislative Fiscal Division.

**Advance Meeting** - A presiding officer is responsible for meeting with the committee secretary and the Legislative Services or Fiscal Division staffer assigned to the committee to discuss logistics prior to the first day of the session.

Necessary logistics include:

- Exchange of phone numbers and office locations;
- Discussion and outlines regarding committee work, meeting times;
- Review of the presiding officer's expectations of staff.

This discussion should include a review of:

- the roles and responsibilities of the staff to the presiding officer and to the committee as a whole.
- whether department informational presentations are expected and who will coordinate them.
- how best to keep the committee informed of work done by the House Appropriations Committee or the Senate Finance and Claims Committee on areas germane to the committee;
- a tentative session calendar to prevent running out of time to hear and act on bills before transmittal;
- how best to keep committee members informed of bill hearing schedules (see Appendix 8 for sample schedules); and
- the emergency procedures manual.

## Transmittal Deadlines

The presiding officer is key to the smooth flow of the committee's work. An officer may attempt to schedule bills on similar subjects for hearings on the same day. However, bills are drafted, introduced, and heard throughout the session sometimes making that impossible. Delays on scheduling and executive action are discouraged.

## Fiscal Notes

Joint rules allow the Office of Budget and Program Planning six days to develop a fiscal note. Some bills may show no fiscal note is needed, but a presiding officer can request a fiscal note if there is a suspected impact on state revenues and expenditures. Bills may be voted on but not passed out of the committee without a fiscal note.

## Powers of the Presiding Officer

In addition to scheduling hearings and executive action on bills and resolutions, the presiding officer:

- Ensures that roll is called and determines the status of committee members (present, excused, absent).
- Determines in what order bills will be heard;
- Calls for testimony on a bill;
- Requires that testimony be relevant to a bill;
- Controls the time used by a witness or witnesses on a bill;
- Recognizes members wishing to speak or ask questions;
- Directs that questions to witnesses be addressed to the presiding officer;

- Rules a witness out of order because of the nature of testimony (e.g., a personal attack on a member or other witness);
- Requires that persons disrupting the committee process (e.g., interfering with the taking of the minutes or testimony by other witnesses) be asked to leave or be removed from the committee room by security staff;
- Assigns bills to subcommittees;
- Recesses or concludes a hearing or meeting;
- Rules on points of order (questions raised by committee members as to proper committee procedure), unless the point is submitted to the committee for its decision;
- Designates the area from which telecommunication equipment may be operated;
- Subpoenas witnesses (although this is almost never used);
- Generally controls the decorum in the hearing room;
- Reviews and signs committee reports and the business reports of each day's action for inclusion in the minutes;
- Carries committee bills/resolutions or chooses a volunteer to carry the committee bill or resolution; and
- Determines whether to include in the record any written testimony submitted by email or other means after a hearing has been closed. The presiding officer may ask the committee members if a majority want the testimony included in the record.

**NOTE:** Decisions by the presiding officer are, as in the body of each respective house, subject to modification or reversal by a majority of a quorum of the members of the committee. The committee is ultimately responsible for the conduct of committee work.

## Regarding Assigned Bills

A presiding officer has the option of talking with the House or Senate leadership about bill assignments that relate to the committee's interests but also may be of interest to another committee, recognizing that leadership determines the bill's committee assignment.

## COMMITTEE VICE PRESIDING OFFICER

The House and Senate differ on how they address vice presiding officers. In the House, majority vice presiding officers are selected by the Speaker of the House. Senate rules do not address the use of vice presiding officers.

Past options that Senate committees have used to determine vice presiding officers have included seniority & appointment by presiding officer

### Vice Presiding Officer Duties:

The majority vice presiding officer:

- Presides over committee meetings when the presiding officer is absent or is presenting a bill to the committee;
- Handles proxy votes, if the committee chooses to allow proxy votes.

If a minority vice presiding officer is named, the minority ranking member may serve as a contact for and handle the proxies of the minority members and may serve as presiding officer when both the presiding officer and the majority vice presiding officer are absent or are presenting bills.

## COMMITTEE SECRETARY DUTIES

- Determine that the audio recording is active and available for official minutes. Notify the presiding officer if the audio recording system is not working.
- Call roll for attendance and record roll call votes in executive action;
- Assist the presiding officer in scheduling bill hearings and executive action based upon the number and status of bills in the committee by using the LAWS bill status reports (see Appendix 6);
- Assist the presiding officer in scheduling subcommittee meetings, if any;
- Provide adequate notice of bill hearings, subcommittee meetings, and executive action as directed by the presiding officer in order to conform with the public's constitutional right to observe and participate in governmental operations;
- Notify bill sponsors of hearings on bills;
- Notify committee members and committee staff of bills scheduled for hearing, meeting of subcommittees, and bills scheduled for executive action;
- Maintain for each member a book or folder containing a copy of each bill referred to the committee and a copy of each fiscal note prepared for those bills;
- Contact the Chief Clerk or the Secretary of the Senate if fiscal notes for bills assigned to committee are not sent to the committee prior to hearings;
- Ensure that all witnesses sign the visitor sheet before testifying;
- Prepare the committee report for each bill reported out of committee;

Current House and Senate rules suggest that in most cases the public be given at least 3 days' notice of a hearing.

- Ensure that committee reports and amendments are contained in the committee record;
- Prepare an accurate minute log of committee and subcommittee meetings, using time stamps to mark the official minutes in the audio recording--according to the policies of the respective house--and recording exhibits provided to the committee. Make certain that handouts presented to the committee as exhibits are sent to the scanner.
- Provide general administrative and logistical support to assist the presiding officer and the committee.

## DIVISION STAFF

An attorney or research analyst from the Legislative Services Division is assigned to most standing committees. Staff from the Legislative Fiscal Division is assigned to the House Appropriations and the Senate Finance and Claims Committees and the Joint Subcommittees. Staff is assigned to select committees as necessary.

Division staff are nonpartisan and required to assist each member of the committee regardless of a member's party affiliation.

## Division Staff Duties

- Review bills assigned to the committee and if requested explain the legislation, including possible conflicts with other bills.
- Draft amendments upon request of individual committee members or the sponsor prior to committee action. Staff only drafts amendments with permission of a legislator. An amendment requested by a lobbyist or other person not on the committee should include written note from the legislator who proposes to sponsor the amendment. Amendments are edited by Legislative Services editors.
- Combine amendments adopted individually by the committee in executive action for inclusion in the committee report to the full Senate or House;
- Draft committee bills and resolutions;
- Attend committee and subcommittee meetings, conference committees, or free conference committees as assigned to provide the duties listed here, including drafting conference committee amendments if adopted; and
- Assist a committee or a subcommittee in obtaining data or other information pertaining to bills under deliberation.

If a legal or technical issue related to a bill is not raised with the committee by proponents or opponents during the hearing, it is the duty of staff to inform the committee of the legal or technical concern prior to executive action on the bill.

### Amendment requirements include:

- ensuring conformity with the U.S. and Montana constitutions and the Bill Drafting Manual;
- avoiding conflicts with Montana statutes;
- checking any internal references; and
- ensuring the amendment has not violated the requirement that the bill title be limited to one subject or changed the original intent of the bill.

# COMMITTEE OPERATION AND MANAGEMENT

## CONVENING THE MEETING

After the committee is seated at the designated time, the presiding officer:

- Calls the meeting to order. For audience purposes, it is helpful for the presiding officer to call to order the meeting of the X, Y, Z Committee. The presiding officer may convene a meeting before all the members have arrived, but a quorum must be present.
- Asks the secretary to call the roll. This determines if a quorum is present. An actual roll call (not just a visual scan by the secretary) helps those listening on an audiocast or broadcast, or even in the audience, to know who is present.
- Makes announcements regarding cell phones, etc.

**NOTE:** A “quorum” means the minimum number required for a valid meeting, which is a majority of the members or one more than half the number on the committee. A quorum of the committee must be present at a meeting for the committee to act officially. See accompanying box about the importance of a quorum.

The committee secretary is to note for the record which committee members are present, absent, or excused. (Before convening the committee, the presiding officer should inform the secretary of excused absences.)

Following the announcement of a quorum, each hearing proceeds in roughly the same order. Section B and Appendix 1 list the order in which most hearings should proceed.

## INITIAL COMMITTEE ORGANIZATION

At the first (organizational) committee meeting, the presiding officer and the committee should discuss and set ground rules for committee procedures. Some of these procedures are at the presiding officer’s discretion and others set by a majority vote of the committee members. Others, like a requirement for witnesses to sign in, are needed for official records. After adoption, the written procedures are posted near the committee sign-in sheet, and the presiding officer should point out procedures to witnesses at the beginning of each meeting. Appendix 2 contains sample procedures.

### Procedures set by the presiding officer:

- location of electronic equipment (TV cameras, etc.) by the public or press;
- the use of cell phones;
- time limits for popular or controversial bills;
- testimony by fellow legislators;
- motions in committee (see Appendix 4);
- policies and schedule regarding executive action on bills heard (e.g., every Friday, at the beginning of the following meeting, etc.); and
- the order of roll call votes (i.e., alphabetical, presiding officer first or last, etc.).

### Procedures subject to a committee vote:

- the use of proxy votes (see Appendix 3) by committee members who are not present for executive action (e.g., excused and unexcused absences--unexcused absences may include a member "boycotting" a committee meeting for personal reasons).

At the first meeting the presiding officer also is responsible for making the committee aware of emergency procedures (exits and protocols).

## When is a quorum required?

A quorum of committee members must be physically present at a meeting in order to “act officially” or “transact business\*.” A committee member’s proxy does not constitute a member being physically present and does not count toward establishing a quorum of the committee. But there are ways to meet a quorum (see below).

\*“Act officially” or “transact business” means:

- Initially convening the meeting of the committee;
- Taking executive action on legislation; or
- If there is a question that comes before the committee in which the committee takes collective formal action (i.e. a vote of the committee) on that question.

## Is a quorum needed throughout a hearing?

Continuing to hear bills without a quorum is discouraged because of the difficulty of informing absent members of testimony and because of the perception this creates for the public. 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.

## How can a quorum be met if a majority of members are legitimately excused?

The Speaker of the House or the President of the Senate and the appropriate majority and minority leaders are ex officio nonvoting members of all standing committees and may be present for purposes of establishing a quorum. The members of the committee should be instructed to notify the presiding officer of anticipated absences. For other committee member duties see Appendix 7.

# TIME MANAGEMENT AND RUNNING A HEARING

(keeping Mont. Const. Art II, sec. 8. in mind)

## Prior to a Bill Hearing - Getting a Sense of Timing

- Check with a bill's sponsor to estimate the time needed for the sponsor's introduction to a bill and the approximate amount of time witnesses will need to present their testimony.

### Even-handed Warnings

To underscore an even-handed approach, the presiding officer may announce the time allotted to each side and emphasize that the time limits will be enforced. Remind those testifying: Be Brief and Do Not Repeat.

- Discuss with each bill sponsor the proposed order in which bills will be heard on a given day to avoid conflicts.
- Prior to calling the first bill’s sponsor forward, the presiding officer may want to find out how many proponents and opponents are planning to testify for each bill on the schedule. By asking for a show of hands for each bill, the presiding officer can calculate the available time for testimony. Doing this before all bills enables each bill to receive equal consideration. Also before each bill hearing the presiding officer may ask for a show of hands for proponents and then opponents to determine a further fair time distribution.

### Options for time limits

Presiding officers differ on how they handle time limits on bill testimony.

If a large number of witnesses wish to testify, at the very least, both proponents and opponents should receive an equal overall time limitation.

continued on next page



## Options for time limits, continued:

Beyond that, a presiding officer may wish to set a time limitation for each witness. The further limit is up to the presiding officer.

If time limits for each witness are not used, the presiding officer should be clear in announcing to all witnesses that if one witness on a side, even a spokesperson, takes too much time in testifying, the overall time limitation for that side will be enforced, even if that means remaining witnesses on one side can only announce their name, who they represent, and that they support or oppose the legislation.

**REMEMBER:** Every person attending a hearing on a bill who wishes to testify on the bill must be given the opportunity to do so, even if it is only to state their name and voice their support or opposition to the bill.

## Running the Hearing - Hearing Order

A guide for the order in which most hearings should proceed is available in Appendix 1 to this manual. In brief, this is the order:

- **Bill Number, Short Title, and Sponsor Announced**

The Presiding Officer announces the number of the bill and the name of the sponsor. (Some names are hard to pronounce, if in doubt ask the committee staffer. Staff has a pronunciation list.)

**NOTE:** A hearing on a bill may not proceed unless the sponsor is present, or the sponsor has waived the requirement for the sponsor's presence. The waiver must be in writing and included as an exhibit in the minutes for the permanent record. A sponsor may request in writing that the sponsor's bill be tabled without a hearing.

- **Sponsor Opens**

The sponsor provides an introduction to the bill. A sponsor may introduce a constituent, lobbyist, or other person who brought the bill or issue to the sponsor's attention. The person identified by the sponsor should be the first proponent to testify.

- **Witnesses Testify**

First, bill proponents testify. Then bill opponents testify. Lastly, informational witnesses testify. Informational witnesses may be an executive branch employee or an interested person with relevant background information.

### Management Tool

A presiding officer has the option of using a blotter or "cheat sheet" that provides typical language for running a hearing. The blotter is available from the Clerk of the House or the Senate Secretary.

**NOTE:** The presiding officer may ask for testimony from those who attend from out-of-town first, followed by testimony from locals, lobbyists, or state agency witnesses.

After hearing an informational witness's testimony, the presiding officer may designate the person as a proponent or an opponent if the person's testimony is more than informational and is supportive or critical of the bill.

## Question Protocols

Only committee members ask questions. Sometimes a member of the audience wants to do this, but unless a committee member takes up the question, that is not allowed.

A member wishing to ask a question must be recognized by the presiding officer. This helps maintain decorum in heated hearings.

Questions—and answers--must be limited to the subject under consideration.

Members may not question each other during the hearing. This type of questioning is reserved for executive action.

Courtesy is very important. Members may not abuse witnesses. The presiding officer may not tolerate the abuse of a committee member by a witness.

The presiding officer may wish to periodically emphasize that questions and answers be germane to the bill.

- **Questions**

After all witnesses testify, committee members may question witnesses but only after being called on by the presiding officer. Each question goes through the presiding officer.

Witnesses must keep their answers confined to the questions and are not allowed to question other witnesses or committee members.

Stating when executive action is to be considered allows legislators to plan to be in attendance or arrange a proxy and allows early notification for drafting of amendments.

A presiding officer may want to limit the initial round of questions if one member seems to be asking several follow-up questions. The presiding officer may explain that other members will be given the opportunity to ask questions before additional follow-up questions from any member with a long list of questions.

- **Closing**

After questions are completed, the sponsor may "close" on the bill. Questions are not allowed after the sponsor closes.

## Executive Action

Executive action is the time for the committee to act on a bill.

## Key Considerations

- The executive action session is open to the public.
- Testimony is usually not taken from witnesses. However, if there are no objections from the committee or at the discretion of the presiding officer, a member may be allowed to ask questions of witnesses during executive action. This practice should be discouraged as it does not allow rebuttal or additional testimony from other points of view, but if it is allowed, fairness to both sides must be afforded.
- Executive action normally is not taken at the time that a bill is heard. Exceptions: Executive action might be taken the same day if, for example: the bill is noncontroversial; there is no opposition to the bill; it is readily understood by all members of the committee; the sponsor has no objection to immediate action; and all substantive amendments have gone through the editing process.
- At the close of the hearing on a bill, the presiding officer may, as a courtesy to the public attending the hearing, state when executive action on the bill is contemplated.
- A presiding officer may consider scheduling executive action on a bill at the beginning of a future hearing in order to provide advance notice and ensure the proper parties are in attendance.



Scheduling executive action regularly or at the beginning of a meeting may be an easier way to manage the time to hold executive action. If executive action is held after bill hearings, a morning committee may run out of discussion time while an afternoon committee may run too late to encourage adequate discussion. Executive action at the beginning of a meeting also may be a better way to handle space management in a crowded meeting room and to serve constituents waiting for action on a bill.

Reasons for a presiding officer to delay executive action on a bill for more than a few meeting days are:

- No fiscal note on a bill for which a fiscal note has been requested.
- Action pending in the other house on a bill with the same purpose.
- A hearing on a bill with a similar or even contrary purpose and a concern by the sponsor or committee members that the bills be debated at the same time.
- A complicated set of amendments remains to be drafted and edited.

## Amendments

Once a bill is in the committee's hands, any member may seek to amend a bill either to address concerns about the bill raised during testimony or to modify the terms of a bill. Amendments must be within the original intent of the bill as stated in the title.

### Amendment Process

- A member normally asks the committee staff to prepare proposed amendments before executive action is taken.
- Early drafting allows proper conformity with the Constitution, existing statutes, and other provisions of the bill. A regular process allows editing and distribution to the committee, and possibly discussion.
- Extensive or complicated amendments may require additional research.

If extensive amendments are offered or if several bills on a subject are before the committee, the presiding officer may appoint a subcommittee to work on the bill or bills.

- Committee members may propose amendments to a bill during executive action. These usually are called "conceptual amendments." Conceptual amendments are discouraged but if they are simple (as in changing a date or a number) they usually do not cause problems. Even conceptual amendments must be edited, because speedy changes are not always accurate.
- A witness may suggest an amendment during testimony. However, the amendment is not prepared unless a committee member requests it.
- A committee member may ask for a change to an edited amendment. The change requires a vote by the committee and a recognition that the revised amendment must be edited (but only if in executive action the bill is approved).
- A legislator may request an amendment be drafted, but is not obligated to move the amendment in committee.
- After all proposed amendments are moved and acted upon, action is taken on the bill as amended. All amendments are in the committee report.

## Voting Process in Committee

- All votes on amendments and bills are recorded and made public
- If agreed upon by the presiding officer and the committee, an excused member may be allowed to vote by leaving a written vote or a proxy. Absentee voting procedures through the use of the standard form proxy required by both Senate and House rules should be established in the committee meeting procedures (see the sample of committee procedures included at Appendix 2).
- The vote may be taken by a voice vote or by a roll call vote. The secretary is required to record the vote. **NOTE:** Those not voting with the majority in a voice vote must be asked to identify themselves.
- Any member may request a roll call vote, which is to be done in the order directed by the presiding officer.
- The presiding officer should immediately announce the vote (regardless of the voting method).
- If a bill has been referred to a subcommittee, the subcommittee report is received during executive action in the form of recommended amendments. Action on the amendments proposed in the subcommittee report is the same as for all other amendments acted on by the full committee (although the report to the subcommittee is usually acted on as a "package" and not by a vote on each amendment recommended in the subcommittee report).
- Senate rules prohibit the use of pairs in committee votes. (Pairs "pair" a proponent and an opponent so that a senator may vote in absentia.) A written proxy may be used instead.

## Voting - Motions and Disposition of Bills

- The first motion addresses the bill itself, regardless of amendments.
- The appropriate initial motions on a bill are:
  - a. do pass (or do concur if the bill is from the other house);
  - b. table.

**NOTE:** A table motion is not debated and calls for an immediate vote. A presiding officer may encourage withdrawing a table motion if the presiding officer thinks discussion on the bill is appropriate.

**To table** is a motion to set aside consideration of a bill. The bill remains in committee and is not reported to the floor. This motion is often used to finally dispose of a bill without requiring consideration by the Committee of the Whole. A motion to table is nondebatable, and a presiding officer may request to delay that motion if debate is appropriate.

- If the motion is "do pass" or "do concur," before a vote, a committee member may make a substitute motion to amend the bill.
- A substitute motion may be made for any pending motion, except the motion to table.
  - Only one substitute motion to the original motion may be offered at a time.
  - Adequate discussion should be allowed before each motion's vote.
  - A substitute motion is voted on before the initial motion.
  - If the substitute motion fails, the initial motion is considered.
  - If the substitute motion and the initial motion are opposing motions, the presiding officer may announce that, without objection, the vote on the substitute motion will be reversed and recorded as the vote on the initial motion.

The following motions are discouraged because they will use Committee of the Whole time during Floor session and resources for bills that the standing committee has not approved. (For these, the “to table” motion is the appropriate motion)

- do not pass;
  - do not pass as amended;
  - be not concurred in (for a bill from the other house); and
  - be not concurred in as amended (bill from the other house).
- When voting on complicated amendments, the separate amendments may be divided by segregating sets of related amendments and taking separate votes. A motion to divide the question is not debatable and is the right of a committee member to request.
  - Once all amendments have been voted on, the motion is to:
    - “do pass as amended”; or
    - “be concurred in as amended;” or
    - “table.”
  - Other motions that may be used in committee:
    - To take from the table: a motion to resume the consideration of a bill previously set aside.
    - To postpone action: consideration of the bill is delayed, often to a date certain.
    - To reconsider action: a motion to bring up a bill previously voted on but that has not yet been reported from the committee. The motion to reconsider action is usually made for the purpose of attempting to change a prior committee vote or to allow reconsideration of adopted or defeated bills or amendments.

- A bill requiring a fiscal note may not be reported from the committee without a fiscal note.
  - The statute allows up to 6 days for the preparation of a fiscal note by the Budget Office (up to 10 days if the bill requires an estimate of a fiscal impact on a local government or school district).
  - If a fiscal note does not accompany the bill when the bill is assigned to the committee, the presiding officer should ask the Speaker of the House or the President of the Senate to request a fiscal note as soon as the need is indicated.
  - If the committee action (through amendment) has resulted in the need for a fiscal note, the presiding officer should ask the Speaker of the House or the President of the Senate to request a new fiscal note to be prepared before second reading.
  - In order to obtain a revised fiscal note because of amendments, the bill must be reported out of committee for the amendments to be engrossed into the bill and the amended bill to be sent to the Budget Office.

A bill requiring a fiscal note may be voted on but may not be reported out of committee until the fiscal note is available.

## Following the Vote

If the bill originated in the other house, arrangements should be made by the sponsor of the bill for a member to carry the bill in the Committee of the Whole. When the sponsor has not arranged for a member to carry the bill, the presiding officer may designate a member to move the bill.

Some presiding officers extend a courtesy to sponsors by advising the sponsor that a bill is likely to be killed or tabled in the committee in order to allow the sponsor time to suggest amendments to the committee. There is no rule requiring such a courtesy.

## Committee Report

A report is prepared for each bill that is recommended to the Committee of the Whole. If amendments are made to the bill, the committee staffer will prepare the amendments (which may require combining multiple sets of approved amendments) for inclusion in the committee report. The committee secretary must work with the committee staffer and the amendments coordinator of the appropriate house to prepare the committee report.

The report must be signed by the committee presiding officer. Before signing the report, the presiding officer should read the report to ensure that it accurately reflects the action of the committee. If the presiding officer is unsure whether all amendments are properly included in the report, the presiding officer should check with the committee secretary or committee staffer.

If a report needs to be changed for any reason (e.g., the committee wants to revote or a report has been erroneously prepared and signed), it can only be done

if the legislation is still in the possession of the committee. (The rules expressly provide that a committee may reconsider an action until the committee report is given to the Secretary of the Senate or the Chief Clerk of the House). Once legislation is no longer before the committee, in order to have the committee report changed, the bill must again be referred by the body to the committee. Other alternatives to changing the report include rereferring the bill to another committee or an amendment could be proposed in the Committee of the Whole.

## Committee Bills

Members of a legislative committee may, by motion and vote, request the drafting of what is known as a "committee bill". A committee bill is requested and is given its own LC number.

A committee bill may be on any subject generally within the jurisdiction of the committee and may arise from committee discussion of bills before the committee or just from an idea of one or more members of the committee, not related to legislation then before the committee, who can convince a sufficient number of other committee members to vote for its drafting.

In both the Senate and the House, three-quarters of the members of the committee must vote to request the drafting of a committee bill (except in the Senate Finance and Claims Committee, where a majority is sufficient). There are special request deadlines in the joint rules specifying the deadline by which a committee bill must be requested by a committee. If members of a committee are interested in a committee bill, Joint Rules should be consulted to ensure the request falls within the applicable bill draft request deadline (usually the 36<sup>th</sup> legislative day).

In Senate committees, once the committee bill is drafted, the presiding officer of the committee must sign the bill, or designate another member to sign it, and introduce the bill. By tradition, the procedure is the same in the House.

Once the bill is before the committee, consideration of and committee action upon the bill by the committee,

including the reporting of the bill and its transmittal to the other house, is the same as for other legislation of its type.

## Handling Emergencies and Disruptions in the Room

The Chair is responsible for handling emergencies outlined in Appendix 5.

In the event a person or group attending the meeting is disruptive, the following steps should be taken:

1. The Chair should ask the person(s) to stop their actions and wait to provide their testimony and warn them that if they do not cease the disruption, they will be asked to leave the meeting.
2. If the person does not cease the disruptive activity; the Chair may give them one more chance, ask them to leave, or warn them that they will be removed from the meeting. If this is the case, the Chair should ask the secretary to contact the sergeant staff to come to the room (e-mail or text as preferred by Sergeant). Sergeant staff should contact MHP Troopers and apprise them of the situation before entering the room. When sergeant staff arrives, they will enter the room and stand by the door.
3. If the disruptive person does not heed the warning, the Chair may ask the sergeant staff to escort the person from the hearing room. The sergeant staff is not to make any physical contact, only tell the person to leave.
4. If the person refuses to leave the hearing room, the Chair should call for a recess for a specific time period (e.g. 15-30 minutes) or if appropriate, they may adjourn the meeting for the day. This will deter any criticism of holding a meeting outside of the public's right to know or participate. After the announcement, the Chair should ask the sergeant staff to "Clear the Room", which means asking all members of the public in the hearing room to vacate the premises.
5. The legislators, committee staff, and secretary should leave the meeting and return at the appropriate time (go to your office, get a cup of coffee, etc.). Do not loiter in the hallways.
6. It is likely that the public will also clear the hearing room and the sergeant staff can help by stewarding the people out of the door and asking them to clear the hallway.
7. If the disruptive person will not leave the hearing room, the sergeant staff should inform the MHP Trooper assigned to the Capitol as well as the facilities coordinator. The MHP Trooper will encourage the person to leave. If the person still refuses to leave, the MHP Trooper can arrange for the arrest of the person for trespassing. The sergeant staff or facilities coordinator, in consultation with the Chair, will likely have to make that call of whether the person is trespassing or not. By rule, S30-50(1)(a) and H30-20 (1)(b), the presiding officers have the responsibility to maintain order. By authorizing the sergeant staff or the facilities coordinator to ask the MHP Trooper to proceed with actions against a person for trespassing, they are charging that person to follow through if there are any legal proceedings when the Chair may not be available.
8. If the committee resumes the hearing, the Chair should announce that no further disruptions will be tolerated and if disruptions continue, the meeting will be adjourned for the day.



## Recorded Committee Minutes: Procedural Overview

All standing committees are audio recorded and archived. All committee meetings are streamed live via the Internet.

### Step One: Initiating the Audio

- Before calling the meeting to order, the presiding officer should let the secretary know that the meeting is ready to begin.
- The secretary turns the sound system on, and the live broadcast to the Internet begins. The secretary will tell the presiding officer that it is recording.
- After getting the signal that the recording is active, the presiding officer may start by using a firm gavel rap and clearly stating into the microphone that the meeting is starting. If a gavel is not available, the presiding officer instead is to clearly state into the microphone that the meeting is starting.

### Step Two: Making a high-quality recording for the archive

- It is important for the recording that the presiding officer recognize each committee member by name when a member wants to address the committee, question the speaker, etc.
- It is the presiding officer's responsibility to ensure that each committee member and witness speaks into a microphone and can be heard through the in-room speakers.
  - It is important for members of the audience to approach the podium microphone to respond to questions and not speak from their seats. Speaking into a microphone assures that all committee members hear and that the comments are part of the record.

- The presiding officer may request that witnesses spell their name for the record.
- The presiding officer should clearly state into the microphone when each new bill hearing is beginning and when it has concluded. The audio recordings now have links to individual bill discussions, so it is important to have a consistent and identifiable start and end to the bill hearings. The presiding officer should clearly announce the start of the bill hearing, including the specific bill number before asking the sponsor to open the testimony.
- During the meeting, the presiding officer should remind committee members to speak into the microphones and to remind committee members that private conversations are best relegated to areas away from the microphones to prevent those discussions from being archived and broadcast over the Internet.
- If the presiding officer calls for a break, the secretary should be notified in advance. Before calling the meeting back to order, the presiding officer should let the secretary know it is time to resume the meeting.
  - The secretary will turn off the sound system immediately when a break is called.
  - The secretary will turn the sound system on immediately prior to resumption.

For technical help with the sound system, call the Legislative Help Desk at 444-0912.

**NOTE:** If the sound system fails or another technical problem develops, the secretary will notify the presiding officer, who should stop the hearing until the problem is fixed.

**NOTE:** The committee may conduct committee business that is unrelated to the bills to be heard or acted upon in executive session prior to the call to order. For example, collecting money for the coffee fund or planning an end-of-the-session social gathering should be done before the meeting begins so that activity is not archived or broadcast to the Internet.



# APPENDIX 1 - ORDER OF HEARING

1. Call the meeting to order once a quorum is believed present. Use the gavel to call the meeting to order. Striking the gavel is the signal to begin the audio recording.
2. Ask committee secretary to take roll (by roll call for the listening audience); the presiding officer by custom announces those members absent and excused.
3. Make announcements.
  - a. Alert members of the audience to:
    - i. Turn off phones.
    - ii. Recognize that any written information that witnesses submit to the committee must contain their name and who they represent but no other personal information unless the person testifying wants that information to be made public. The testimony will be posted on the legislative website.
    - iii. Sign in on the witness sheet by legibly printing name and affiliation, if any.
  - b. Describe, if necessary, any time management procedures so committee members and the audience know if there are time constraints on any particular bill.
  - c. Provide any further notices to committee members regarding training or other special information from leadership or staff.
4. Review agenda for meeting:
  - a. bills to be heard and the order in which they will be heard;
  - b. bills to be acted on in executive action; and
  - c. any other informational sessions.
5. Open hearing on first bill.
  - a. Invite **sponsor to make opening statement** (welcome sponsor to committee).
  - b. After opening statement: **Ask for proponents**. Remind witnesses to sign in and spell their name for the committee secretary.
  - c. After proponents have spoken: **Ask for opponents**.
  - d. After opponents have spoken: **Ask for informational witnesses**.
  - e. After witness testimony: **Open for questions by committee members**. During this question-and-answer period committee members do not debate the merits of the bill. That is done during executive action.
  - f. After questions, invite **sponsor to make a closing statement**.
  - g. Announce after closing statement that **“This closes the hearing on (Bill Number)”** and thank the participants.
6. Repeat hearing procedure for other bills.
7. **Executive action** on bills

A gavel is a tool for the presiding officer. It is used to open a meeting, close the meeting, and maintain decorum.



- a. A committee member offers a **motion** to begin debate: pass or do not pass. (Motion to table is nondebatable.)
  - b. Debate occurs.
  - c. **Motion on amendment** may be offered at any time after the original motion, unless the original motion is to table. Debate then centers on the amendment.
  - d. **Vote on any amendments first**, then on entire bill. This may require another motion to “do pass, as amended”.
  - e. Debate ends when a member offers a motion to call for the previous question or moves to table the bill.
8. Voting can be done by voice vote, a show of hands, or a roll call. If a positive motion fails, a second motion is needed to table the bill.
  9. Before **adjourning**: Wrap up with announcement of any subcommittee meetings, the schedule for the next meeting day’s hearings and executive action and remind committee members to provide staff with any amendments that they want for upcoming bill hearings.
  10. Use gavel to close the meeting.

# APPENDIX 2 - SESSION COMMITTEE MEETING PROCEDURES

Committees must use Chapter 3 of their respective House or Senate rules (along with appropriate provisions of the Montana Constitution and Montana Code Annotated) in establishing any written procedures for the operation of the committee.

## Draft Rules of Procedure

### Public Hearings on Proposed Legislation

#### Hearing Process

- The Presiding Officer will announce the bill and sponsor and set any testimony time restrictions.
- Proponents of the bill will present testimony.
- Opponents of the bill will present testimony.
- Informational witnesses should be allowed to introduce themselves.
- The Presiding Officers may reserve the right to designate an informational witness as a proponent or opponent should the information be supportive or critical of the bill.
- Questions for the sponsor, proponents, opponents, or informational witnesses may be asked by committee members and will be directed through the Presiding Officer.
- The sponsor of the bill will close the presentation.

#### The Sign-In Sheet

Every person who wishes to testify on a bill must sign a witness list that is usually located near the entrance to the committee room. The secretary will use the witness list to properly identify people testifying on a bill. The witness list becomes a part of the committee record.

#### Witnesses

- All witnesses must sign the witness sheet before presenting testimony.
- Proponents and opponents should try to state new points of testimony. To avoid repetition, they may state that they agree with points already made.
- Witnesses presenting testimony before the committee should remain in the room to answer any questions from committee members until the hearing is closed.
- Written testimony may also be submitted for the permanent committee record. Written testimony should include the name and affiliation of the person submitting the testimony.
- At the discretion of the Presiding Officer, testimony requiring the use of video, audio, or other equipment is permitted, if arrangements are made in advance.

#### Written Testimony

- Witnesses are encouraged to submit written testimony.
- The testimony may be submitted before the hearing.
- Presiding officers may discourage the reading of written testimony in order to save time and to allow more witnesses to be heard.

A copy of the testimony should be provided to the secretary for the permanent record.

- If a member of the committee wishes to testify on a bill, that member will sit in the audience as a member of the public during the hearing. That member may not both testify and ask questions of the public during the hearing.

## General

- A quorum is required to call a meeting to order.
- Everyone will act and be treated in a courteous manner.
- The Presiding Officer will maintain order during meetings.
- The use of cameras, television, radio, or videotaping equipment is allowed, but the Presiding Officer may designate areas appropriate for use.
- Attendance is expected of members appointed to a committee.

## Executive Action

- A quorum is required to take executive action.
- Generally, executive action will not be held the same day as the public hearing on the bill. Executive action may be taken on the same day on noncontroversial bills or due to time constraints.
- Executive action is open to the public, but discussion is limited to committee members. Members of the public may be asked questions by committee members at the discretion of the Presiding Officer.
- Absentee voting by committee members is permitted in writing through the use of a proxy form. The contents of the form must be determined by the committee at the start of the session.
- Motions by committee members do not require a second.

## Amendments

### Requests for Amendments

- Requests for amendment drafting should be given to staff at least 24 hours in advance of executive action.
- Amendments must be requested by a legislator, and the request may be made in writing, by e-mail, via a phone call, or in person.
- Conceptual amendments are discouraged. Amendments are drafted by staff in advance to ensure time for review, editing, and distribution. If a conceptual amendment is allowed, staff must be afforded the opportunity to make corrections and edits without further committee review or action.
- Any member of the public may ask a legislator to request an amendment.
- Staff will not draft amendments for bills outside of this procedure.

### Amendment Protocol

- Committee members are the only legislators who can move amendments to a bill while the bill is in committee.
- Pursuant to Article V, section 11 of the Montana Constitution, amendments must be within the title of the bill. This prohibits a bill from being amended in such a way that the original purpose, as stated in the title, is changed.

## Notice of Hearings: See Rules of the Montana Legislature

Senate Rule 30-60 provides:

1. All meetings of committees must be open to the public at all times, subject always to the power and authority of the chair to maintain safety, order, and decorum. The date, time, and place of committee meetings must be announced.
2. Notice of a committee hearing must be made by posting the date, time, and subject of the hearing in a conspicuous public place not less than 3 legislative days in advance of the hearing. This 3-day notice requirement does not apply to hearings scheduled:
  - a. prior to the third legislative day;
  - b. less than 10 legislative days before the transmittal deadline applicable to the subject of the hearing;
  - c. to consider confirmation of a gubernatorial appointment received less than 10 legislative days before the last scheduled day of a legislative session; or
  - d. due to appropriate circumstances.

House Rule 30-40 provides:

1. All meetings of committees must be open to the public at all times, subject always to the power and authority of the chairman to maintain safety, order, and decorum. The date, time, and place of committee meetings must be posted.
2. All committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are encouraged to provide at least 3 legislative days' notice to members of committees and the general public. However, a meeting may be held upon notice appropriate to the circumstances.

## Proxies

Proxies are allowed by rule and must be in a written form and reflected in the minutes. The committee is to decide how to handle proxies and how much information is to be submitted on the proxy form. Samples, based on past usage, are under Appendix 3. Forms may change depending on leadership directives or adoption of new rules.

# APPENDIX 3 - PROXY SAMPLES

## SAMPLE 1:

### PROXY VOTE

I, the undersigned, hereby authorize Representative or Senator \_\_\_\_\_ to vote my proxy on ( SB#, HB#, any issue) before the \_\_\_\_\_ Committee held on \_\_\_\_\_, 20\_\_.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
 Representative/Senator

## SAMPLE 2:

### COMMITTEE PROXY

I request to be excused from the \_\_\_\_\_ Committee because of other commitments. I desire to leave my proxy vote with: \_\_\_\_\_.

Indicate bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

House Bill/Amendment                      Aye   No                      Senate Bill/Amendment                      Aye   No

House Bill/Amendment	Aye	No

Senate Bill/Amendment	Aye	No

Representative/ Senator \_\_\_\_\_ Date \_\_\_\_\_  
 (Signature)

# APPENDIX 4 - MOTIONS IN COMMITTEE

Proper motions in committee include:

1. **To amend:** the motion is to propose to change the bill in a specified manner.
2. **Do pass:** the bill is recommended to be placed on second reading as received by the committee.
3. **Do pass as amended:** the bill is recommended to be placed on second reading with amendments adopted by the committee engrossed into the second reading copy.
4. **To table:** a motion to set aside consideration of a bill. The bill remains in committee and is not reported to the Committee of the Whole. This motion is nondebatable and is often used to finally dispose of a bill without requiring consideration by the Committee of the Whole.
5. **To take from the table:** a motion to resume the consideration of a bill previously set aside.
6. **Postpone action:** consideration of the bill is delayed, often to a date certain.
7. **Reconsider action:** a motion to bring up a bill previously voted on but that has not yet been reported from the committee. The motion to reconsider action is usually made for the purpose of attempting to change a prior committee vote or to allow reconsideration of adopted or defeated amendments.
8. **Be concurred in:** the bill received from the other house is recommended to be placed on second reading in the form received by the committee.
9. **Be concurred in as amended:** the bill received from the other house is recommended to be placed on second reading with amendments adopted by the committee engrossed into the second reading copy.

**Other motions that are allowed but are discouraged because they will use Committee of the Whole time during Floor sessions and use resources for bills that are not approved (the table motion is the appropriate motion – after allowing for discussion time):**

1. **do not pass;**
2. **do not pass as amended;**
3. **be not concurred in (bill from other house); and**
4. **be not concurred in as amended (bill from other house).**

# APPENDIX 5 - EMERGENCY GUIDELINES FOR PRESIDING OFFICER

## SECURITY ISSUES, HOSTILE WITNESSES, OVERCROWDING, SOUND SYSTEM PROBLEMS, OR OTHER ISSUES

If during a hearing or meeting, the presiding officer or any committee member has concerns about someone in the hearing or any other matter, they should notify the nearest House or Senate Facility Aide (in the blue or burgundy blazers), call or send someone to the Sergeant at Arms -House Sgt in room 470 (444-4200) or Senate Sgt in room 375 (444-4878), or MHP Troopers on site (444-3060 or 911). You can call for medical assistance, security issues, hostile witnesses, overcrowding, sound system problems, or any other concern. The Sgts and Facility Aides have radios to assist with communications.

## MEDICAL EMERGENCY

For a medical emergency, call 911 immediately and then notify a Facilities Aide or the Sergeant at Arms office to summon our medical team. There are 5 AED (Automated External Defibrillator) units, trauma kits, and trained personnel within the Capitol. Our medical team will assist until the EMTs arrive and will guide responders to the correct room. If you have a medical condition unfolding or observe someone with a possible issue, please simply inform the Sgt. at Arms or an Asst Sgt. We will discretely and privately assess the situation and work with that person to determine if further assistance is needed. We cannot help, if we do not know something is going on, and medical situations often go downhill quickly. Do not let someone leave, go to a bathroom, or back to an office alone while experiencing a problem. We are very good at helping in a low-key manner and maintaining privacy.

## FIRE ALARM OR EVACUATION

During a fire alarm or evacuation, the presiding officer and staff should assist Facility Aides and orange-vested safety team members to clear the room, evacuate, and then report to the assembly area for check-in. The presiding officer and staff need to remain calm and help maintain a sense of authority and order. This helps reassure the visiting public. By encouraging others to cooperate and to stay together, a presiding officer can help set the tone for the entire evacuation or incident. It is important to check in once you are outside, so that we can confirm everyone is accounted for. Keeping your committee together helps with that accountability.

## BOMB THREAT

For a bomb threat, call 911 from a different phone than the one that received the call. Dispatch will assist with documenting the information or you can use our bomb threat checklist to help you remember any information given. Do not pull a fire alarm for anything other than an actual or suspected fire. Bomb threats require a different evacuation procedure and response.

## SUSPICIOUS MAIL OR PACKAGE

If you receive or find a threatening letter, note, or package, it is important to call your Sergeants at Arms and our MHP Troopers. Even if you think it may be an isolated event or you do not personally feel threatened, it is important for us to track these items. Once you realize something is amiss, do not handle the item further, do not expose additional people to it, and do not move it to other parts of the building. Simply call 911 or our on-site MHP Troopers 444-3060 (depending on the severity level) and send someone for the Sgt at Arms to help protect the scene or help evacuate the area. We will investigate and document all incidents. This helps us track trends, monitor any escalations, and help prevent future issues.

## EARTHQUAKE

During an earthquake, drop under a piece of furniture, cover your head and neck, and hold on until the movement stops. Afterwards, immediately evacuate the building while assisting those with injuries. Watch for overhead hazards or falling debris while evacuating and stay in open areas. Be prepared for additional aftershocks. Helena is in an active earthquake zone.

## ACTIVE SHOOTER/LOCKDOWN PROCEDURES

If you hear shouts, gunshots, or are warned to lockdown, exit the building if you can do so safely or immediately retreat into an office or room and secure or lock the door, turn out lights, stay quiet, and have everyone stay down low or behind furniture. During the event, if there are life-threatening injuries in your room call 911 and report them, otherwise remain quiet and do not tie up the phone lines. Once you are locked down, do not reopen the door or exit the room until law enforcement or security officers evacuate you. Authorized evacuation personnel will have keys and identification. Follow the commands of law enforcement during any evacuation and keep your hands open and visible while exiting.

## SETTING UP YOUR COMMITTEE SAFETY PROCEDURES

The presiding officers, staff assigned to a committee, and committee members need to discuss beforehand all the various exits from their hearing room (maps are posted above the light switch) and decide who will lead the way out and who will follow and shepherd the group and any public out of the building. All staff and legislators should read and be familiar with the Emergency Action Plan for the Capitol Building. The plan covers numerous scenarios in depth and explanations of the capitol complex-wide procedures we have adopted and follow. You will be leading public and others (who are not familiar with our procedures), so knowing what to do and acting accordingly helps set the tone and provides a role model for others.

## ASSEMBLY PROCEDURES

After any evacuation, it is vital that everyone immediately report to the assembly area and check in with your appropriate Sgt at Arms or Chief Clerk/Secretary of the Senate. In this way, we have accountability for everyone



who was in the building. Immediately report anyone trapped or injured to an orange-vested safety team member or responder so we can further assist them.

If you have questions, concerns, or suggestions, please talk to your Sergeant at Arms.

# APPENDIX 6 - COMMITTEE WORK MANAGEMENT AND THE LAWS SYSTEM

LAWS stands for the **L**egislative **A**utomated **W**orkflow **S**ystem. The LAWS database provides the ability to run reports to manage your committee workflow. Committee secretaries can run the following reports on a daily or weekly basis to give you up-to-date information about the bills referred to your committee:

- Bills in Senate Committees
- Bills in House Committees
- 2-Week Hearing Calendar
- Appropriation and Revenue Bills

Other reports that you may find useful:

- Daily Summary of House Floor actions
- Daily Summary of Senate Floor actions
- Bill Draft Requests by Requester
- Bill Draft Requests by Subject
- Bill Drafts "By Request Of...(i.e. agency, interim committee)"
- Cumulative Drafts Request List
- Sections Affected Report
- Conflict Checking Report
- Session Laws Chapter Numbers

These reports are available to the general public through the legislative webpage in addition to search capabilities by subject matter, keywords, bill number, sponsor, and bill status. Preference lists can be developed for specific bills. See: [http://laws.leg.mt.gov/legprd/law0203w\\$.startup?P\\_SESS=20211](http://laws.leg.mt.gov/legprd/law0203w$.startup?P_SESS=20211)

This link also leads to "LAWS Instructional Video Library" that provides instructions on the use of LAWS. The video topics include: Accessing LAWS, Changing Sessions, Understanding the Bill Information Screen, Accessing House and Senate Journals, Accessing the Session Home Page, Legislator Information, and Legislative Reports.

Each legislator also has a webpage that includes a table for the bills that the legislator is sponsoring and also a table for the bills in the legislator's committees. To get to a legislator's webpage, go to the "Lookup My Legislator" option under the tab "Legislators" at the top of the main page: [www.leg.mt.gov](http://www.leg.mt.gov)

# APPENDIX 7 - COMMITTEE MEMBER RESPONSIBILITIES

Committee members are responsible for:

1. Knowing the rules, protocols (for example, asking questions through the presiding officer and knowing what to do in an emergency), and proper questioning of witnesses (for example, not treating them as if they were on trial in a court).
2. Providing amendments in advance to the committee staff for proper drafting and editing.
3. Showing up for committee meetings and paying attention to the work of the committee, particularly to bills being heard by the committee and to witnesses who are testifying on a bill. It is important to remember that colleagues who are not on the committee may rely on members of the committee to explain a bill heard in that committee (because as much as everyone would like to read ALL the bills, legislators often rely on committee members to explain the details.) Complaints heard by the public include:
  - a. Frequent absences from a committee meeting. (Apologies to committee members may assuage the situation.)
  - b. Use of a computer/cell phone in the committee room for e-mails or other work that does not appear to be related to the bill being heard by the committee.
  - c. Frequent snacking in a manner that indicates the member is not paying attention to the bill hearing. Getting coffee, etc., is best done between hearings on bills or between hearings and executive action.
4. Letting the presiding officer or the minority vice presiding officer know if the committee member is unable to attend a committee meeting and providing a written proxy for bills and amendments to the appropriate vice presiding officer.

Samples of hearing schedules are in Appendix 8. The committee members and presiding officer can determine which option best suits their needs to be informed.

# APPENDIX 8 - NOTIFICATION SAMPLES FOR HEARINGS/AMENDMENTS

## Sample 1:

NAME OF COMMITTEE	
<b><u>Executive Action:</u></b>	
<ul style="list-style-type: none"> <li>SB XXX – Explanation (e.g. Revise ...) Amendments include:</li> </ul>	Sponsored by Sen. ABC 1 from Sen. ABC 2 from Sen. DEF 1 from Sen. GHI
<ul style="list-style-type: none"> <li>SB YYY – Explanation (e.g. Prohibit...) Amendments include:</li> </ul>	Sponsored by Sen. GHI 1 from Sen. JKL
<b><u>Hearing Schedule:</u></b>	
<b>Friday, Jan. 14</b>	
<b><i>Hearings for:</i></b>	
SB ZZZ -- Explanation (e.g. Definition...)	Sponsored by Sen. MNO
<b>Monday, Jan. 17</b>	
<b><i>Hearings for</i></b>	
SB AAA -- Explanation (e.g. Repeal...)	Sponsored by Sen. PQR
<b><u>Still to be Scheduled:</u></b>	
SB BBB -- Explanation (e.g. Revise ....)	Sponsored by Sen. STU
SB CCC -- Explanation (e.g.Repeal...)	Sponsored by Sen. VWX
SB DDD -- Explanation (e.g. Add....)	Sponsored by Rep. YZA

## Sample 2:

NAME OF COMMITTEE					
Bill #	Hearing Date	Description/Sponsor	Amendments	Fiscal Note Needed	Exec. Action Date
HB 2010	1/14	Revise statutes on – Sponsored by Rep. YZA	HB AAA.01 for Rep. Smith	No	1/17
HB 2011	1/17	Repeal XYZ – Sponsored by Rep. Black	HB ZZZ.01 for Rep. Jones	No	1/19
HB 2012	1/17	Revise definition of --- Sponsored by Rep. White	none	Yes	Not set yet



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