

Draft Session Committee Rules of Procedure
For Consideration and Adoption by 2015 Standing CommitteesExhibit No. 1Date 1-7-15Bill No. N/A**I. Public Hearings on Proposed Legislation****A. Hearing Process**

1. The Presiding Officer will announce the bill and sponsor and set any testimony time restrictions.
2. Proponents of the bill will present testimony.
3. Opponents of the bill will present testimony.
4. Informational witnesses should be allowed to introduce themselves. Committees should determine whether the informational witnesses are allowed to present testimony. 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.
5. Questions for the sponsor, proponents, opponents, or informational witnesses may be asked by committee members and will be directed through the Presiding Officer.
6. The sponsor of the bill will close the presentation.

B. Witnesses

1. All witnesses must sign the witness sheet before presenting testimony.
2. Proponents and opponents should try to state new points of testimony only. If they wish to agree with points already made, they should simply say so.
3. Witnesses presenting testimony before the committee should remain in the room to answer any questions from committee members until the hearing is closed.
4. 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.
5. Testimony requiring the use of video, audio, or other equipment is permitted, if arrangements are made in advance. A copy of the testimony should be provided to the secretary for the permanent record.
6. Absentee video or audio testimony is not permitted.
7. 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.

C. General

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

II. Executive Action

- A. A quorum is required to take executive action.
- B. 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.
- C. 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.
- D. 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.
- E. Motions by committee members do not require a second.

III. **Amendments**

A. Requests for Amendments

1. Requests for amendment drafting should be given to staff at least 24 hours in advance of executive action.
2. 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.
3. 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.
4. Any member of the public may ask a legislator to request an amendment.
5. Staff will not draft amendments for bills outside of this procedure.

B. Amendment Protocol

1. Committee members are the only legislators who can move amendments to a bill while the bill is in committee.
2. 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.

IV. **Notice of Hearings: See Rules of the Montana Legislature**

A. 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.

B. 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.

V. **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.

Guideline on Use of Electronic Devices

Adopted by the Legislative Council

November 13, 2014

To be included in the publication of the Rules of the Montana Legislature (2015) as a Guideline

(1) A legislator's primary focus should be on serving their constituents and the citizens of the state of Montana. Courtesy and respect by and for legislators, staff, and the public is expected. During committee hearings, the public testimony should be the priority focus of a legislator. Legislators should avoid various forms of distraction that could lead the public to believe that their testimony is not being heard, i.e., newspapers and other reading material should be placed away during testimony.

(2) Use of electronic devices other than for committee or floor business is generally discouraged, and if used, should be a tool for taking notes and for pertinent research, reference, and communication to assist a legislator in being more productive. Use of electronic devices should be nondisruptive and open; extraneous communication should be limited; and if a legislator must communicate for a nonhearing-related reason that may take some time, the legislator should excuse him or herself from the hearing.

(3) Use of electronic devices for written communication regarding legislative business may potentially constitute a public record that could be subject to the public right-to-know provisions of the Montana Constitution.

Request to divide a question. A request to divide a question is a privilege, not a motion. If a question involves two or more propositions so distinct that they can be separated and at least one substantive question remains after one substantive question is removed, the question may be divided. The request is nondebatable. The presiding officer may rule that a question is nondivisible.

Motion to reconsider. 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. Proxies may be used for a motion to reconsider.

Committee Rules

Joint Rules -- Chapter 30
House Rules -- Chapter 3
Senate Rules -- Chapter 3

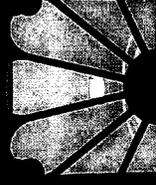
Other motions that are allowed but are rarely used because they will consume Committee of the Whole time and resources:

- do not pass;
- do not pass as amended;
- be not concurred in (bill from other house); and
- be not concurred in as amended (bill from other house).

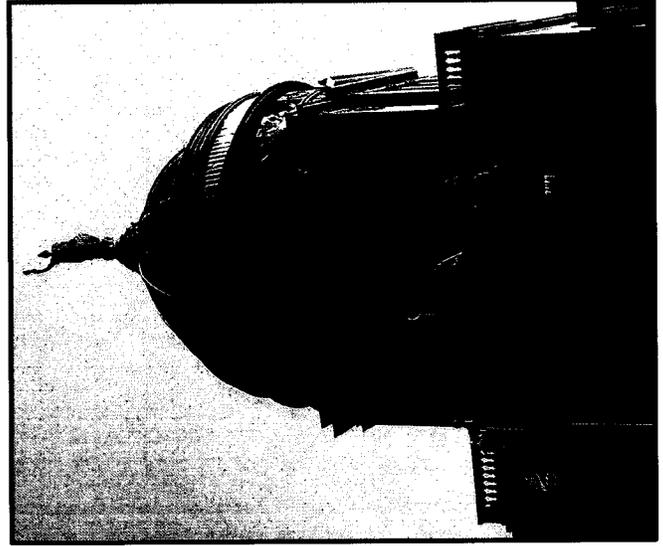
Helpful Tips

- * A second to any motion offered in a committee is not required.
- * If a fiscal note is required, a committee cannot report the bill out of the committee without the fiscal note. For amended fiscal notes, see JR 40-100.
- * A committee may request a substitute bill that strikes every section in the bill and replaces them with new material if the new material is relevant to the title and subject of the original bill. The substitute bill is an amendment.

Motions in Committee



Montana
Legislature



Common Motions in Session Standing Committees

Do pass. The bill (in the originating house) is recommended to be placed on second reading as received by the committee.

"I move that _____ Bill No. _____ do pass."

To amend. The motion is to propose to change the bill in a specified manner.

"I move an amendment (sometimes it is necessary to refer to the number in the lower corner) to _____ Bill No. _____."

Do pass as amended. The bill (in the originating house) is recommended to be placed on second reading with amendments adopted by the committee to be engrossed into the second reading copy.

"I move that _____ Bill No. _____ do pass as amended."

To table. A nondebatable 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.

"I move that _____ Bill No. _____ be tabled."

To take from the table. A motion to resume the consideration of a bill previously set aside by a majority of the committee members present (proxies not allowed). The motion is nondebatable. Previously adopted amendments come with the bill when it is taken from the table.

"I move to take _____ Bill No. _____ from the table."

Postpone action. Consideration of the bill is delayed, often to a date certain. Sometimes an explanation is provided.

"I move to postpone action on _____ Bill No. _____ until (a date certain)."

Previous question. A motion to stop debate and vote on the motion. This motion is nondebatable.

"I call the question."

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.

"I move that _____ Bill No. _____ be concurred in."

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 to be engrossed into the second reading copy.

"I move that _____ Bill No. _____ be concurred in as amended."

To segregate. A motion usually used to separate amendments for voting purposes.

"I move to segregate amendment(s) No. _____."

Substitute motion. A motion to substitute one motion for another. If passed, the original motion may be moot. If the substitute motion does not pass, the committee should move to the previous motion.

"I move to substitute motion (name of original motion) for a motion to (name of new motion)."