RULES, PROCEDURES, AND GUIDELINES
For INTERIM COMMITTEES

Adopted by the Legislative Council

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Law and Justice Interim Committee Meeting
June 21, 2011

Exhibit 1

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

Preamble: Legislative committees operating during the interim between regular legislative sessions have a history of constructively and collectively addressing and, often, resolving critical public policy issues for Montanans. It is the general policy of the Legislature that interim committees reach general agreement on any issue that requires a committee decision. If general agreement cannot be reached, the chairman or chairwoman may call for a vote of the members.

I. QUORUMS/PARLIAMENTARY PROCEDURES

A. Meetings of legislative interim committees (committees) must be held in the State Capitol unless otherwise designated by the chairman or chairwoman.

B. Notice of regular meetings must be given to the members and the public a minimum of 10 days prior to each meeting.

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

D. A special meeting may be scheduled by a majority of members at any meeting or may be called, with at least 24-hour notice to the members, by the chairman or chairwoman or a majority of a committee. A special meeting may not include agenda items that require a public hearing.

E. Meetings of committees and subcommittees must be conducted under the established rules of the Montana Senate as to quorums and parliamentary procedure.

II. PUBLIC PARTICIPATION GUIDELINES

A. A functional role of each interim committee is to review and assess the development and implementation of public policy. Public comment should be solicited and be designed to assist committees in their policy role.

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

C. Public comment will be taken at the discretion of the committee chairman or chairwoman.

D. In order to manage the committee's time and agenda, the chairman or chairwoman of a committee may limit individual public comment in a manner that allows equal and fair opportunity for public comment.

E. Submission of written comments is encouraged.

F. Common courtesy is required of all parties at all times.

G. The chairman or chairwoman has the discretion to recess committee meetings whenever considered appropriate.

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

III. ELECTION OF OFFICERS

A. Nominations for the chairman or chairwoman and vice-chairman or chairwoman of a committee must be made from the floor after appointments of new members have been made. The chairman or chairwoman and the vice-chairman or chairwoman may not be of the same political party.

B. In order to be elected, a candidate shall obtain a majority of votes of all the members.

C. Members shall vote for the chairman or chairwoman and vice-chairman or chairwoman by voice vote or a roll call vote.

IV. PROXY VOTES

A. Proxies are generally discouraged. Employment of a proxy is inappropriate whenever a question before a committee has not received a prior hearing or where new debate occurs the day of the vote.

B. For the exercise of a proxy to be valid, the deputized member shall hold a written proxy from the absent member that specifies the question to which the proxy applies. Where a written proxy refers generally to a question but does not precisely address the question called to a vote, the chairman or chairwoman shall determine whether the proxy will be allowed.

V. APPOINTMENTS

The chairman or chairwoman may appoint a subcommittee's chairman or chairwoman, members of subcommittees, and as necessary, nonlegislative members of special committees.

VI. SUBCOMMITTEES

A. The chairman or chairwoman may establish temporary or standing subcommittees of the interim committee to make investigations or perform other functions as may be delegated by the committee.

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

C. The chairman or chairwoman of a subcommittee shall make, on behalf of the subcommittee, periodic reports and recommendations to the committee.

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

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. Committee staff are responsible for assisting individual committee members on request by compiling and analyzing material relating to the committee's statutory responsibilities.

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

D. Priority must be given to research relating to the committee's primary study topics each biennium as identified in the approved committee work plan.

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

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

VIII. REVIEW COMMITTEE

The chairman or chairwoman, vice-chairman or chairwoman and subcommittee chairmen or chairwomen, if any, shall serve as a review committee for any publication required by statute.

IX. TRAVEL AND EXPENSE REIMBURSEMENT

A. The chairman or chairwoman is responsible for authorizing out-of-state travel by committee members that will result in a request for reimbursement from the committee's budget.

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

C. Overnight lodging is reasonable when a legislator would be required to leave home earlier than 6:30 a.m. or arrive home later than 8:30 p.m. in order to have attended all of the meeting or have conducted all of the legislative business authorized.

To compute whether this would be required, an average travel speed (overall including incidental stops) of 50 miles an hour is used. The one-half hour immediately preceding and immediately following a meeting or legislative activity is an in-town travel shift and considered to be part of the total meeting schedule for the purposes of the reasonableness computation.

D. A member is considered necessarily away from home on the day of a meeting or other authorized legislative activity and on any other day when travel qualified under (1) above is required.

E. Subject to statute, a meal falling within reasonable travel times may be claimed.

Special circumstances are considered in determining reasonableness. Such circumstances may include inclement weather, a legislator's health, variables related to flying instead of driving, and schedule conflicts which require a member to choose a more expensive mode of travel in order to participate in the legislative activity. Special

circumstances should be clearly presented on the claim form. (C. through E. adopted June 26, 2009)

X. MINUTES OF INTERIM COMMITTEE MEETINGS

A. The digital recordings of interim committee meetings are recognized and designated as the official minutes of interim committee meetings.

B. In conjunction with the digital minutes, staff will prepare an annotated log that functions as an index and time stamp to the digital record, similar to minutes of standing committee meetings during sessions. The log will:

(1) indicate at what points during the meeting the various agenda items can be found in the digital record;

(2) identify each speaker and detail each motion and vote;

(3) describe the topic of pertinent discussion, including identification of critical discussion or questions between committee members and witnesses, staff, and each other; and

(4) establish "hot links" to documents discussed by or presented to an interim committee, thereby allowing an interested party to have quick internet access to that information as well.

C. For pivotal discussions, staff will fully describe questions, responses, observations, revelations, commitments, proposals, and the like. On rare occasion, the audio record could be transcribed (if the committee determined transcription to be necessary).

D. Whenever a committee tours or travels, the minutes would identify the location of the meeting, the committee members and staff attending, the person leading the tour (if applicable), the primary people at the meeting, and a general time frame.

It should be a practice that the following meeting include an agenda item during which an overview of the tour would be presented, members could ask questions or add comments, and the public could provide input.

(Adopted June 26, 2009.)

XI. 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 committee functions.

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

(1) Committee 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 committee.

(3) Material prepared in anticipation of litigation that would not be available to a party in litigation with the committee under the Montana Rules of Civil Procedure on pretrial discovery.

(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 committee 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.

XII. EQUIPMENT

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

XIII. COMPLETION OF INTERIM COMMITTEE WORK

September 15 prior to a regular legislative session is the guideline date for completing interim committee work. For the purposes of this guideline, "completing interim committee work" means that the committee:

A. shall have adopted its 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. if a final report is prepared, shall have approved a draft of the report as prepared by the committee's staff;

C. shall have approved for introduction in the next legislative session, all draft legislation that is prepared by the committee's staff on behalf of the committee in executing its duties under 5-5-215(2), MCA;

D. shall have assigned an unopposed or holdover legislator, preferably a member of the committee, as the sponsor of legislation described in XIII. E., below;

E. shall have submitted for LSD drafting purposes, any request for legislation made on behalf of an entity described in and for which the committee has monitoring responsibility under 5-5-215(1)(c), MCA.

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

XIV. COMMITTEE REVIEW OF AGENCY-PROPOSED LEGISLATION

A. Mid-April through mid-June of each even-numbered year is the guideline for receipt by interim committees of descriptions of legislation that may be requested by executive branch agencies or other entities. For agency-proposed legislation, the committees must follow the guidelines established in section XIII. E.

B. For the purposes of reviewing the descriptions of proposed legislation in anticipation of acting as the "requestor" of the legislation, the completed EPP form as required by the OBPP is the information to be submitted to interim committees. An entity not required to submit the EPP form shall submit equivalent information.

XV. EDUCATING INTERESTED PARTIES

A. Interim committees should educate interested parties about legislative processes, particularly those processes involving preparation of agency-requested legislation, interim committee review, and preintroduction of bills, including deadlines and target dates.

B. For the purposes of these guidelines, "interested parties" include: legislators; the governor and the director of the governor's Office of Budget and Program Planning; agency directors and their respective chief legal counsels; statewide elected officials and their respective chief legal counsels; boards, commissions, and similar entities that may request legislation be prepared on their behalf (e.g., FWP Commission or Board of Education); the Montana University System (including the Regents, Commissioner's Office, and Presidents' and Chancellors' offices of the respective units); and any other entity or individual who may have a formal interest in legislative processes.

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

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