CHAPTER 8: STANDING COMMITTEES

Introduction

This chapter provides background information about standing committees of the Montana Legislature. The chapter is directed to committee members. The focus is on standing committees that meet regularly to hear bills on the assigned subject matter. Certain committees* have differing responsibilities that are not addressed here.

The information presented in this chapter is based on the rules that were adopted for the 61st Legislature. The rules for the 62nd Legislature may be different from these rules. Legislators are advised to consult the adopted rules.

Role of Committees

A standing committee plays a key role in the legislative process in the following ways:

- ✓ serving as the primary forum for face-to-face participation by citizens in the legislative process;
- ✓ using the collective expertise of its members to review, analyze, and amend proposed legislation regarding subjects within the committee's purview;
- ✓ recommending the passage or disapproval of bills; and
- ✓ providing an opportunity for citizens to observe the workings of a representative democracy.

Standing Committees of the Montana Legislature

The standing committees are established in the rules for each house of the Legislature. Committees established for the 61st Legislature are listed in **Table 8-1**.

■ Appointments

In the Senate, committee members and a presiding officer and vice presiding officer are appointed by the Committee on Committees, with the approval of the Senate.

STANDING COMMITTEES PLAY A KEY ROLE IN THE LEGISLATIVE PROCESS.

The Speaker of the House appoints committee members and a presiding officer, vice presiding officer, and minority vice presiding officer. The minority vice presiding officer is appointed, taking into consideration the recommendation of the House Minority Floor Leader.

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* Committees with differing responsibilities include those that deal with appropriations, ethics, legislative administration, and rules.

Table 8-1. Standing Committees of the 61st Legislature

Senate	House
Agriculture, Livestock, and Irrigation	Agriculture
Business, Labor, and Economic Affairs	Business and Labor
Education and Cultural Resources	Education
Energy	Federal Relations, Energy, and Telecommunications
Ethics	Ethics
Finance and Claims	Appropriations
Fish and Game	Fish, Wildlife, and Parks
Highways and Transportation	Transportation
Judiciary	Judiciary
Legislative Administration	Legislative Administration
Local Government	Local Government
Natural Resources	Natural Resources
Public Health, Welfare, and Safety	Human Services
Rules	Rules
State Administration	State Administration
Taxation	Taxation

■ Schedule and Workload

Committees hear and act on bills referred by the President of the Senate or the Speaker of the House. The workload varies widely among committees. Some committees only meet "on call", while others meet 2, 3, or 5 days a week. Most committees are scheduled to meet at a regular time and place for the duration of the legislative session. The schedule minimizes the possibility of conflicts between committee meetings, making it possible for legislators and staff to attend the meetings of committees to which they are assigned.

Roles of Officers and Staff

Presiding Officer

The committee presiding officer is responsible for:

- ✓ generally managing committee work;
- ✓ directing committee staff;
- ✓ maintaining order in the committee room and vicinity;
- ✓ presiding over the meeting;
- ✓ deciding questions of order;
- ✓ monitoring the committee's workload and the pace of action on bills and resolutions and ensuring that proposed legislation is acted on as soon as possible so that a backlog does not occur;
- ✓ scheduling hearings for bills and resolutions and, as often as possible, scheduling the hearing in coordination with the availability of the measure's fiscal note when one is required;
- ✓ directing the committee secretary to provide notice of committee hearings in compliance with applicable rules;
- ✓ authenticating committee reports and committee minutes by signing them and ensuring in the committee report that a new or revised fiscal note is needed and should be requested by the President of the Senate or the Speaker of the House of Representatives for bills for which the committee passed an amendment that possibly adds or changes fiscal impact; and
- ✓ appointing subcommittees, if needed.

Majority Vice Presiding Officer

In past sessions, Senate committees have had one vice presiding officer, from the majority party, and House committees have had two vice presiding officers, one for the majority and one for the minority.

The majority vice presiding officer presides over committee meetings when the presiding officer is absent or is presenting a bill to the committee.

Minority Vice Presiding Officer

The minority vice presiding officer serves as a contact for the minority members of House committees. For example, minority members may give their proxy votes to the minority vice presiding officer.

Committee Secretary

The committee secretary is responsible for:

- ✓ providing notice of hearings as directed by the presiding officer;
- ✓ notifying bill sponsors of hearing dates and times;
- ✓ maintaining a record of witnesses;
- ✓ recording committee votes;
- ✓ preparing committee reports and ensuring that amendments are contained in the committee reports;
- ✓ maintaining a notebook or file of all bills and resolutions referred to the committee along with fiscal notes for bills reported out of committee;
- ✓ preparing minutes for committee meetings; and
- ✓ ensuring that the meeting room is ready.

If a committee member or bill sponsor has special needs for a meeting room (e.g., equipment, larger room for a controversial bill), the committee secretary should be contacted.

The committee secretary is hired by the appropriate house of the Legislature.

■ Committee Research or Fiscal Analyst or Attorney

A research analyst or attorney from the Legislative Services Division is assigned to most standing committees. A fiscal analyst from the Legislative Fiscal Division is assigned to committees or joint subcommittees that deal with appropriations.

The research analyst or attorney performs the following duties for the assigned committee:

- ✓ drafting proposed amendments before committee action on a bill or resolution;
- ✓ drafting amendments to bills or resolutions that have been acted on by the committee for consideration on second reading;
- ✓ drafting any committee bills;
- ✓ reviewing bills and resolutions assigned to the committee and providing advice to the committee regarding constitutionality, internal consistency, the possibility of conflict with or duplication of existing provisions, and compliance with the guidelines of the *Bill Drafting Manual*;
- ✓ providing answers to questions about rules of procedure; and
- ✓ assisting the committee or an individual committee member in obtaining information pertaining to bills or resolutions under consideration by the committee.

The fiscal analyst performs similar duties, specifically focusing on the appropriation process and fiscal matters.

The committee research or fiscal analyst or attorney and the committee secretary work together; however, each has distinct duties. For example, the committee secretary cannot draft amendments, and the research or fiscal analyst or attorney cannot provide notice of hearings.

Rules of Procedure

The authorities governing legislative procedures are described in Chapter 6. A chapter of the rules for each house is dedicated to committees. Committees often adopt procedural rules or summaries of procedural rules that can be distributed to citizens, lobbyists, and others. These rules must be consistent with any applicable requirements.

General information about procedure is presented immediately below as well as under the appropriate topic heading.

■ Dialogue

Committee members speak only after recognition by the presiding officer.

■ Quorum and Attendance

A quorum must be present in order to take action. A quorum is not required to hear testimony. However, presiding officers often wait for a quorum before

beginning testimony so that a majority of members have the opportunity to become informed.

A quorum is a majority of the members of the committee. In the Senate, the majority and minority floor leaders may count toward establishing a quorum if they are present. In the House of Representatives, the Speaker of the House, the House Majority Floor Leader, and the House Minority Floor Leader may count toward establishing a quorum if they are present.

Sometimes members must miss committee meetings in order to present a bill to another committee or to conduct other legislative business. Committee members should notify the presiding officer of anticipated absences.

■ Voting

All votes must be recorded. Votes may be taken by voice, show of hands, or roll call. Any member may request a roll call vote.

Senate committees may vote to authorize senators to vote in absentia when engaged in other legislative business.

House Rules authorize committee members to vote by proxy, either by using a standard form or through one of the two vice presiding officers.

■ Question of Order

A question of order is decided by the presiding officer, subject to appeal to the committee.

Committee Meetings

Meetings of legislative committees are subject to Montana's open meetings law. All meetings must be open to the public, and notice must be provided. Committee members can remain apprised of committee meetings by listening to announcements by presiding officers during the daily floor sessions.

Hearings

Hearings are scheduled by the presiding officer. Public notice of the hearing must be given. The current Senate Rules and House Rules encourage 3-days notice.

Hearings provide an opportunity for members to learn about the pros, cons, and potential effects of proposed legislation from the sponsor, lobbyists, experts, and other citizens.

Hearings may vary considerably in length depending on the complexity or level of controversy associated with the proposed legislation. In order to make the best use of time, the presiding officer may allocate a specified amount of time for testimony, to be divided equally between proponents and opponents. Witnesses may be encouraged to avoid duplicating testimony that has already been given by preceding witnesses.

Steps in the hearing process are detailed below.

❶ **Opening statement of sponsor.** The sponsor of the bill or resolution presents an opening statement. A sponsor may introduce a person who brought the bill or issue to the sponsor's attention. The person identified by the sponsor should be the first person to testify.

❷ **Testimony by proponents.** Proponents of the bill or resolution testify, beginning with the proponent introduced by the sponsor, if applicable.

❸ **Testimony by opponents.**

❹ **Statements of informational witnesses.** An interested person may testify solely for the purpose of providing information that is relevant to the proposed bill or resolution. For example, an employee may provide facts and data about an Executive Branch program that is addressed by the proposed legislation. After hearing the testimony of an informational witness, if the presiding officer determines that the witness has spoken in favor of, or in opposition to, the proposed legislation, the presiding officer may designate such a witness as a proponent or an opponent.

❺ **Questioning by committee members.** Subject to approval by the presiding officer, committee members may ask questions of the sponsor, witnesses, or others present in the room. The questions must be related to the bill or resolution. Committee members should not engage in a free-flowing dialogue with witnesses, but must seek the approval of the presiding officer for each question asked.

Committee members usually direct their questions to those who are not committee members or staff. This practice ensures that time is allocated to questioning those who may be present only for the hearing (e.g., constituents who have traveled from out of town to testify). However, the presiding officer may authorize a member to ask a question of any appropriate person.

A committee member may use this opportunity to ask a witness who has raised a concern about the proposed legislation if the witness's concern could be addressed by an amendment.

Witnesses must confine their answers to the questions and may not ask questions of others. If a witness does not know the answer to the question, a committee member may ask that information be provided to the committee before executive action is taken.

❻ **Closing statement of sponsor.** The sponsor of the bill or resolution may make a closing statement or may waive this right.

❼ **Closing the hearing.** The presiding officer may announce when the committee will take executive action on a bill or resolution. Immediately

following the hearing on a bill or resolution is a good time for a committee member to notify the committee research or fiscal analyst or attorney of the member's desire for additional information related to the bill or resolution or for proposed amendments to be drafted or discussed. It is helpful to notify staff of any potential request at this time. Once the committee moves on to other business, it is easy to forget about these needs until executive action is taken.

Executive Action on Bills

During the executive action session, the committee:

- ✓ discusses bills and resolutions under consideration, if desired;
- ✓ asks questions, if there are any, of the committee research or fiscal analyst or attorney; and
- ✓ acts on proposed amendments to bills and resolutions.

■ Information

Except for bills that appropriate a specific dollar amount, a fiscal note must be prepared for every bill that affects the revenue, expenditures, or fiscal liability of the state, a county, or a municipality. The fiscal note must be prepared before the bill is reported out of the committee.

A local government fiscal impact statement must be prepared for any bill that imposes a requirement on a local government unit for a direct expenditure of additional funds without a specific means to finance the activity, service, or facility. The impact statement must accompany the bill at the time that it is presented for introduction.

See Chapter 7 for more information about fiscal notes and local government fiscal impact statements.

The presiding officer of a committee may subpoena a witness, although this is rarely necessary.

■ Questions

The executive action session is open to the public but is not a public hearing. The procedures governing questioning of observers varies from committee to committee. The procedural rules for some committees allow questioning of witnesses without objection by the committee. Other committees leave this matter to the discretion of the presiding officer. Questioning of noncommittee observers used to be uncommon; however, in recent sessions, this practice was common in some committees. By addressing this issue in the committee procedural rules, the committee can articulate a standard for fairness.

■ Amendments

Committee members may move amendments to a bill or resolution during executive action.

Amendments should be prepared by the committee research or fiscal analyst or attorney before the meeting during which executive action is taken. Before a committee report can be generated, the research or fiscal analyst or attorney must prepare all amendments using

specially designed software and have the amendments checked by trained staff. Although many suggested amendments appear to be simple, in most cases, amendments written by agency staff, other witnesses, or legislators must be revised in order to ensure that the proposed legislation is clear, complete, and internally consistent, does not conflict with other laws, and is in compliance with guidelines in the *Bill Drafting Manual*. Legislative Services Division staff has special tools that are used to accomplish these requirements. By requesting that amendments be drafted before executive action, committee members can avoid delaying or reconsidering executive action on a bill or resolution.

Committee Action and Recommendation

After all proposed amendments have been moved and acted upon, action is taken on the bill or resolution. If amendments were approved, the committee acts on the proposed legislation as amended. Committee actions are recommendations, subject to action or approval by the appropriate house or Committee of the Whole.

Motions for committee action are listed in **Table 8-2**. Motions to dispose of a bill or resolution for the purposes of committee action are listed first. Certain motions are discouraged because they result in the use of valuable time during floor sessions for disfavored bills or because they represent unnecessary steps. These motions are indicated with the symbol "✗" in the table and are displayed in regular type. All motions are debatable unless otherwise noted.

Other Committee Activities

Work Sessions

A committee may meet to discuss bills, resolutions, or other matters, yet take no official actions. For example, a committee that expects to hear several bills on a complex topic may want to schedule an informational presentation early in the legislative session.

Subcommittees

A subcommittee may be appointed to work on a complex bill. The subcommittee may develop proposed amendments. These amendments are treated in the same way as amendments moved by an individual committee member.

Committee Bills

A committee may request that legislation be drafted and introduced upon a vote of three-fourths of all committee members. A deadline for requesting committee bills is established in the Joint Rules.

Table 8-2. Motions for Committee Action on Bills and Resolutions

Motion	Result
Motions to Dispose of Bills	
Do pass	Bill or resolution moves to first house for floor action with recommendation that it be approved.
Do pass as amended	Bill or resolution moves to first house for floor action with recommendation that it be approved as amended.
✗ Do not pass	Bill or resolution moves to first house for floor action with recommendation that it not be approved.
✗ Do not pass as amended	Bill or resolution moves to first house for floor action with recommendation that it not be approved as amended.
Be concurred in	Bill or resolution received from other house moves to second house for floor action with recommendation that it be approved.
Be concurred in as amended	Bill or resolution received from other house moves to second house for floor action with recommendation that it be approved as amended.
✗ Not be concurred in	Bill or resolution received from other house moves to second house for floor action with recommendation that it not be approved.
✗ Not be concurred in as amended	Bill or resolution received from other house moves to second house for floor action with recommendation that it not be approved as amended.
To table or lay on the table (nondebatable motion)	Consideration of bill or resolution is set aside. Consideration may be resumed at the will of the committee. In addition to setting aside bills that are later taken up, this motion is traditionally the motion used to dispose of a bill without requiring consideration by the Committee of the Whole. However, the full house can vote to remove the bill or resolution from the committee.

Motion	Result
To postpone indefinitely (Senate)	Prevents further discussion of the question. (This is a debatable motion that may be used to finally dispose of a bill or resolution without requiring consideration by the Committee of the Whole.)
✗ Refer [bill or resolution] to [appropriate committee]	Recommendation that legislation be referred to another committee. Traditionally, the presiding officer of the committee that has the bill or resolution consults with the presiding officer of the appropriate receiving committee and the presiding officer of the appropriate house before making a motion in that house. Because a committee report is only a recommendation, a committee report recommending referral may be an unnecessary step.
Other Motions	
To amend [refer to distributed written amendments* or specify the proposed change]	Proposes to change bill or resolution in a specified manner.
To take from the table (nondebatable motion)	Resumes consideration of previously tabled bill or resolution.
Postpone action until [date] (debatable in the Senate; nondebatable in the House of Representatives)	Consideration of bill or resolution is delayed to a specified date. (This motion may be used when a committee decides that it wants more information before taking further action.)
Reconsider action	Brings up bill or resolution that was previously voted on but that has not yet been reported from the committee.
Place on the consent calendar (House of Representatives only)	Noncontroversial bills and resolutions (except for appropriation and revenue bills) that have received a unanimous "do pass" or "do pass as amended" vote may be recommended for the consent calendar by a unanimous vote. If any one representative submits a written objection, the legislation must be removed from the consent calendar and placed on second reading.

✗ Discouraged motions

* All amendments prepared by Legislative Services Division staff have a label in the lower right hand corner that indicates the bill number, amendment version number, and drafter's initials. In the following example, the amendment version is underlined and the drafter's initials are double underlined: HB054301.amv.

Committee Reports and Minutes

A report is prepared for each bill or resolution that is recommended for action by the appropriate house. A committee report must make a recommendation. When the report is made, it is printed in the daily journal for the house that is receiving the committee report. Reports from standing committees are recommendations, subject to action or approval by the appropriate house or Committee of the Whole.

A committee report must also indicate, when appropriate, that the committee amended the bill being reported and that a new or revised fiscal note needs to be requested by the presiding officer of the house receiving the committee report.

The committee secretary prepares minutes of committee meetings. Committee minutes are an electronic recording of the meeting with a written log, which serves as an index to the recording. The minutes must include:

- ✓ date, time, and place of each committee meeting;
- ✓ committee members present, excused, or absent;
- ✓ names and addresses of persons appearing before the committee, whom each person represents, and whether the person is a proponent, opponent, or other witness;
- ✓ motions and their dispositions;
- ✓ results of all votes; and
- ✓ testimony and exhibits.