



Rules, Procedures, and Guidelines For Interim Committees

Adopted by the Legislative Council:

May 29, 2019



Published by.
Montana Legislative Services Division

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

Preamble:

Legislative committees operating during the interim between regular legislative sessions constructively and collectively address and resolve 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 presiding officer may call for a vote of the members.

I. QUORUMS/PARLIAMENTARY PROCEDURES

- A. Meetings of legislative interim committees (committees) are held in the State Capitol unless otherwise designated by the presiding officer.
- 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 includes posting to the Legislative Branch website the time, location, and agenda of meetings, disseminating the 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 presiding officer 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.

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II. PUBLIC PARTICIPATION GUIDELINES

A. Interim committee members review and assess the development and implementation of public policy. Public comment is required and assists 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. (1) Except as provided in subsection (2) and in accordance with subsection (3), public comment must be accepted on agenda items. Public comment may be taken in person or through written communication.

(2) Public comment is not accepted over the phone or via teleconferencing.

(3) Public comment provided in person to the committee is a public record that is videotaped, archived, and available on the website. Public comment submitted in writing at a committee meeting is a public record that will be posted to the legislative website as part of the minutes log for the committee meeting.

D. To manage the committee's time and agenda, the presiding officer 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. Written comments are accepted at any time through electronic or regular correspondence and will be copied to all committee members and entered into the record.

F. Common courtesy is required.

G. The presiding officer 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 presiding officer and vice-presiding officer of a committee must be made during the first meeting of the committee after appointments of new members. The presiding officer and the vice-presiding officer may not be of the same political party.

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B. To be elected, a candidate shall obtain a majority vote or a majority vote in accordance with Section IV(B).

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

IV. VOTING AND PROXY VOTES

A. Proxies are discouraged. For the exercise of a proxy to be valid, the deputized member shall hold a written proxy from the absent member.

B. For the 2019-2020 interim, if additional members were appointed to an interim committee and it does not include equal representation from the two chambers, the members from each chamber are recommended to vote separately. A majority of each chamber's committee members must agree before any action may be taken, unless otherwise determined by the interim committee in the adoption of their interim committee procedures.

V. APPOINTMENTS

The presiding officer, in consultation with the vice-presiding officer, may appoint a member as the presiding officer of a subcommittee, a member of a subcommittee, and as necessary, nonlegislative members of special committees.

VI. SUBCOMMITTEES

A. The presiding officer, in consultation with the vice-presiding officer, may establish temporary or standing subcommittees of the interim committee to make investigations or perform other functions as may be delegated by the committee.

B. The presiding officer 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 presiding officer for resolution.

C. The presiding officer 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 takes action to implement a recommendation, which should

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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 assist individual committee members on requests 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 is given to research relating to the committee's primary study topics 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 presiding officer and vice-presiding officer.
- F. The limitation on conducting research does not apply to bill drafting services during and immediately preceding a legislative session.

VIII. REVIEW COMMITTEE

The presiding officer, vice-presiding officer, and subcommittee presiding officer, if any, shall serve as a review committee for any publication required by statute.

IX. TRAVEL AND EXPENSE REIMBURSEMENT

- A. The presiding officer 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 allowed when a legislator would be required to leave home

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earlier than 6:30 a.m. or arrive home later than 6:30 p.m. to have attended the full meeting or have conducted all of the legislative business authorized. To compute whether this is 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 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.

X. MINUTES OF INTERIM COMMITTEE MEETINGS

A. The digital recordings of interim committee meetings are the official minutes of interim committee meetings.

B. In conjunction with the digital minutes, staff will prepare an annotated log as an index and time stamp to the digital record. The log will:

- (1) indicate at what points during the meeting the various agenda items are found in the digital record;
- (2) identify each speaker and detail each motion and vote;
- (3) describe the topic of discussion, including identification of critical discussion or questions between committee members and witnesses, staff, and each other; and
- (4) establish links on the website to documents discussed by or presented to an interim committee.

C. If a committee tours or travels outside a meeting room setting, the minutes will identify the location of the tour or travel, and committee and staff attendance.

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.

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(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. 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.

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XIII. COMPLETION OF INTERIM COMMITTEE WORK

A. September 15 prior to a regular legislative session is the guideline date for completing interim committee work.

B. Completing interim committee work means that the committee:

(1) adopts findings, conclusions, and recommendations, if any, with respect to an interim study assigned to it by bill, by the Legislative Council, or under its own authority;

(2) if a final report is prepared, approves a draft of the report, as prepared by the committee's staff;

(3) approves 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;

(4) assigns a member of the committee, preferably an unopposed or holdover legislator, as the sponsor of legislation described in XIII(B)(3), above. An interim committee may assign a member who is up for election to sponsor the legislation upon reelection to the body or, in special circumstances and with the consent of the legislator requested, may request a legislator who is not a member of the committee to sponsor committee legislation;

(5) submits 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.

(6) completes 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(B)(5).

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.

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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, timelines, etc. apply uniformly to all interim committees, executive agencies, and entities assigned to executive agencies, statewide elected officials, and the university system.

January 16, 2004 version: C12196 4029lena.

June 26, 2009 version: C10429 9180sfna.

March 2, 2010 version: C10070 0067sfna

December 7, 2011 version: C10206 2110sfna

May 5, 2012 version: C10429 2171sfnb.

May 29, 2019 version: C10106 9151slnb.docx