Test Your Knowledge: Legislative Rules

I. **I just picked up my first bill from the Legislative Services Division and turned it in to the Chief Clerk's Office. I've told all the supporters that they should be prepared to come to the Capitol as soon as possible because the hearing will be?**
   A) within three days of introduction of the bill
   B) within three days of the time it's read across the rostrum
   C) within three days of the time it's assigned to a committee
   D) at the discretion of the presiding officer of the committee

II. **I can skip an entire committee meeting to present a bill to another committee, and I don't need to notify anyone, right?**
   A) True
   B) False

III. **Dozens of people attend a hearing on a controversial bill, and the presiding officer stops people from speaking after an allotted time period. Is this allowed?**
   A) yes
   B) no
   C) maybe

IV. **The proper time for me to ask questions of a proponent/opponent/informational witness is?**
   A) while the witness is speaking
   B) after all witnesses of that type have spoken
   C) during time reserved for questions from the committee and upon recognition by the presiding officer
   D) during executive action

V. **A bill that is being heard in my committee today is very important to me. I can testify as a proponent or opponent and then rejoin the committee at the table to ask questions of witnesses?**
   A) True
   B) False

VI. **When I want to start discussion on a bill during executive action, I should?**

VII. Someone made a motion that HB 1000 "Do Pass," and then another person made a motion to amend HB 1000. What I'd really like to do is just kill the bill. What do I do now?

A) offer a substitute motion

B) tell the committee you want to table it and ask that the motion be withdrawn

C) wait until the vote on the motion to amend is taken, then move to table the bill

D) any of the above

VIII. If I make a motion to table a bill during executive action, the committee?

A) must vote on the bill without further (or any) discussion

B) may discuss the merits of the bill before voting

C) can consider a substitute motion for a different action

IX. My committee is scheduled to vote on an important bill at the same time I'm presenting bills to two different committees. My committee work is important, but so are my bills. How can I make sure that I can vote on the bill that my committee is considering and that my bills are presented?

A) leave a proxy vote for the bill in the committee on which you serve

B) ask the presiding officer of the committee in which your bills are scheduled to reschedule, if possible

C) ask a co-sponsor of your bills to present the bills during their scheduled hearings

D) any of the above

X. The time to ask Legislative Services Division staff to draft an amendment is?

A) during executive action when we are considering the bill

B) never, because a lobbyist or state agency can write those for us

C) a couple hours before we vote

D) by the deadline established by my committee in our committee procedures

Legislative Rules Quiz
Test Your Knowledge
Answers

I. **D) At the discretion of the presiding officer of the committee.** The presiding officer schedules bills. Generally, committees provide three days' notice before hearing a bill. If it's getting close to a transmittal deadline, the presiding officer might schedule bills on short notice -- the rules allow for meetings to be held upon "notice appropriate to the circumstances." Some hearings may be held with less notice, as transmittal deadlines approach. If you have supporters who want to attend the hearing, you can talk to the presiding officer about scheduling the bill for a day that works for people who want to travel to attend.

Relevant RULES:

40-50(2)(b) – Two legislative days after delivery (picked up at LSD) to introduce

40-130, S40-20, H40-50 - Reading of bills – Required three times. Introduction is the first reading

S10-50(9), H40-70 - President and Speaker refer bills to committees

30-30, S30-50, H30-50 - Presiding officer to schedule bills for hearing

30-30, S30-60, H30-40 - Committees are encouraged to provide at least three legislative days before the hearing, but a meeting may be held upon notice appropriate to the circumstances

II. **False (Best Answer).** Need vs. should. If you are going to miss a meeting, let another member (preferably the member who holds proxies) and the presiding officer know. Committees need a quorum to act officially, and that includes starting the meeting, not just voting on bills. If the committee doesn't have a quorum at the outset, it can't hold a meeting. It's important -- at a minimum -- to attend committee meetings and be present for roll call before leaving to present a bill elsewhere.

Relevant RULES:

S30-40

H30-30

III. **Maybe.** House and Senate rules require that any person wishing to speak on a bill be allowed to offer testimony. The presiding officer, however, does have the discretion to impose time restrictions, and that often happens for hearings that draw large crowds. Is the presiding officer, at a minimum, allowing people to state their name, affiliation, and position for the record at the end of the allotted time period? The presiding officer is acting within his or her authority by setting time limits and only allowing people to give their names after the time is up. It is a violation of the rules to keep people from going on the record with a position even after the time set aside for testimony is up.

Relevant RULES:

Article II, section 8, and Article V, section 10(3) of the Montana Constitution

S30-80, H30-60 – Must be allowed to testify

S30-80(2) – Reasonable opportunity to offer testimony, but S30-80(2) and (3) – subject to time restrictions
H30-60(2) – Reasonable opportunity to offer testimony, but H30-60(3) – chair restrict time

IV. **C) During time reserved for questions from the committee and upon recognition by the presiding officer.** At the organizational committee meetings held at the start of session, the committee adopts general rules of procedure for hearings. That order involves opening remarks by the sponsor, testimony from people in favor of the bill, testimony from opponents, testimony from informational witnesses, and then questions from the committee before the sponsor closes on the bill. It's important to remember that before asking a question, you need to be recognized by the chair.
Relevant RULES:
S30-70(13)
H30-50(15)

V. **False (Best answer).** You do have a right to testify, but you should stay in the audience after that and not participate in the committee member question-and-answer period during the hearing. The hearing is an opportunity for members of the public to express their views. As a committee member, you do have a right to participate in committee discussions and debate, but in this instance, comments should come during executive action, not during the hearing.
Relevant RULES:
This is the practice, but it is not stated in the rules. However, rules don't state that committee member privileges include testifying on the bill.
S30-70(13)
H30-50(15)

VI. **Make a motion.** There needs to be a question before the committee for the committee to act, so it's best to open the discussion with a motion. An example might be, "Mr. Chairman or Madame Chair, I move that House Bill Zero DO PASS." In organizational meetings, a brochure is provided with sample motions for a variety of actions. Once a motion is made, a second is not required.
Relevant RULES:
Refer to committee motions brochure
S30-70(8) H 30-50(9) Cannot act without a motion
S30-70(4) and H30-50(4) – Can't report bill from committee without a recommendation

VII. **Technically D) "Any of the above." However, C) "wait until the vote on the motion to amend is taken, then move to table the bill" is the *best* option because although other options may work, they could be confusing.** There can only be two motions before a committee at any time, and only one motion to amend a motion. You could tell the committee that you want to table the bill and then ask the legislator who made the motion to amend the bill to withdraw that motion. That would leave just two motions on the table -- the original DO PASS motion and your motion to table. OR, you could wait until the committee has voted on the motion to amend the bill and then offer a motion to table. You also could use option A -- offer a substitute motion to table. That would essentially replace the motion to amend with your motion to table. But that's more likely to cause confusion than either of the other two approaches. Options B or C provide a cleaner path.

Relevant RULES:
S50-70
H50-110
H60-30(3) -- Rules on amending motions and restrictions

VIII. **A) Must vote on the bill without further (or any) discussion.** Motions to table are nondebatable and acted on without discussion. However, the presiding officer may choose not to recognize the motion to allow some discussion to occur. If the presiding officer allows the motion to go forward, the committee could vote against the motion -- which would allow you to make another motion that would allow discussion. It may be considered inconsiderate to make a motion to table without having any discussion on the bill.

Relevant RULES:
S50-70
H50-110
H60-30(3) -- Rules on amending motions and restrictions

IX. **D) Any of the above.** Procedures are in place for proxies. Visit with the majority or minority member of your committee who keeps track of party proxies. Make sure you have signed proxies in place with the point person on your committee. Keep in mind public notice requirements for bills. Your committee staffer also can provide information on notice requirements and work with the presiding officer and secretary concerning changes.

Relevant RULES:
S30-70(13) and H30-50(15) – Use of proxies in committee is ok in Senate, and if authorized in House
S30-70(9) and H30-50(10) – Proxies are not used for motions to take from table
S30-70(2) and HH30-50(2) – May not take up bill without sponsor or cosponsor present unless written consent by sponsor

X. **D) By the deadline established by my committee in our committee procedures**. At organizational meetings, the committee adopts general rules of procedure for drafting amendments. Ideally, requests for amendments should be given to staff at least 24 hours in advance of executive action. However, in a crunch, if an amendment is needed, a drafter will always get it done.

Amendments are drafted in advance to ensure time for review, editing, and distribution. Because of this, conceptual amendments are discouraged.

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. Many presiding officers, but not all, schedule executive action in advance. If you don't know the schedule, ask the presiding officer or check with staff.

Relevant RULES:
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.