

IN THE SENATE

SENATE RESOLUTION NO. 101

BY JUDICIARY AND RULES COMMITTEE

A SENATE RESOLUTION

STATING FINDINGS OF THE SENATE AND PROVIDING FOR THE AMENDMENT OF RULE 20 OF THE RULES OF THE SENATE RELATING TO A COMMITTEE CHAIR'S DECISION.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable that Rule 20 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-third Idaho Legislature, that Rule 20 of the Rules of the Senate shall be amended to read as follows:

RULE 20

Committees -- Quorum. -- (A) Committees shall not proceed to the transaction of business except upon a quorum being present when the committee convenes, nor thereafter if any member objects to a lack of a quorum. A quorum shall consist of a majority of the committee membership.

Committee Meetings. -- (B) No committee shall meet during the session of the Senate, nor at any time occupy the Senate Chamber, without leave of the Senate.

Committees--Rules and Procedure. -- (C) Unless otherwise specified, general rules of procedure governing the Senate shall govern procedure in all committees and subcommittees, except there may be no call of any committee or of the Senate while in the Committee of the Whole. A motion to adjourn shall not be in order in the Committee of the Whole.

Committee Meetings to be Open. -- (D) All meetings of any standing, select, or special committee shall be open to the public at all times, and any person may attend any hearing of such committee, but may participate in the committee only with the approval of the committee itself. The committee chairman, or the acting chairman, shall announce the subject of the matter under inquiry and proceed with hearing testimony or examining witnesses. Each person testifying before the committee shall state his name, address, business, or occupation, and special interest in the matter being heard.

Committee Meetings, Executive Sessions. -- (E) Executive sessions of a standing, special or select committee shall be limited and undertaken only when necessitated by extraordinary circumstances as provided in this rule. A request to go into executive session may be considered by a committee only after the committee has given public notice at least twenty-four hours in advance of the meeting that the committee will have before it a request to meet in executive session, has listed the person(s) or agency that has requested the executive session, and has described the reason(s) for which an executive session has been requested. Only after the committee chairman has identified the reason(s) for holding the executive session and only upon a two-thirds vote recorded in the minutes of the meeting of the committee, shall a committee be allowed to hold an executive session during any meeting,

1 at which time persons who are not members of the legislature may be excluded.  
2 Executive sessions shall be held only when and to the extent necessary to:  
3 discuss records that are exempt from public disclosure by statute, court  
4 decision or court rule; consider pending litigation, mediation or arbitra-  
5 tion; consider personnel decisions involving a legislative employee; con-  
6 sider charges brought against or the discipline or dismissal of a member when  
7 public disclosure would harm an innocent third party; discuss the security  
8 of or threats against state citizens, resources or facilities; or discuss  
9 acquiring an interest in real property which is not owned by a public agency.  
10 Under no circumstances, however, shall an executive session be authorized or  
11 held for the purpose of taking any final action or making any final decision,  
12 and during such executive session, no votes or official action may be taken.

13 Disruption of Meetings. -- (F) Nothing in this rule shall prohibit the  
14 removal of any person who willfully disrupts a meeting to the extent that or-  
15 derly conduct is seriously compromised.

16 Objection to Testimony. -- (G) If any member of the committee shall ob-  
17 ject to the testimony, or any part thereof, of any witness, the chair of the  
18 committee may overrule the objection, require the witness to refrain from  
19 the objectionable testimony, or may disallow further testimony and other-  
20 wise maintain order. The chair of the committee shall decide all ~~questions~~  
21 ~~of order subject to appeal~~ matters dealing with witness testimony and decor-  
22 um in the committee.

23 Committee Chair's Decisions. -- (H) The chair's decisions are final and  
24 are not subject to appeal to the committee. The committee may not appeal a  
25 chair's ruling to the Senate or its Presiding Officer, excepting that noth-  
26 ing in this subsection limits the provisions of Senate Rule 14(E).

27 Buck Slips. -- (~~H~~I) Buck slips may be used for committee action on the  
28 introduction of or recommendations on bills, but only in instances where  
29 committee meetings are impractical. The objection to the use of a buck slip  
30 by one committee member shall preclude its use in that instance. All commit-  
31 tee members, who are not absent and excused from attendance in the Senate on  
32 that day, shall be required to sign their names indicating their aye or nay  
33 vote on the matter being considered.