

# CHAPTER 3: ORGANIZATION AND SERVICES OF THE LEGISLATIVE BRANCH

## Introduction

The following entities of the Legislative Branch are consolidated into a single administrative organization in order to provide efficient and effective service:

- △ the **Senate**;
- △ the **House of Representatives**;
- △ the **Legislative Services Division** and **Legislative Council**;
- △ the **Legislative Fiscal Division** and **Legislative Finance Committee**; and
- △ the **Legislative Audit Division** and **Legislative Audit Committee**.

Organizational information and services provided by each of these entities are described in this chapter. The constitutional office of the Consumer Counsel is governed by a committee of legislators and is also described in this chapter.

## Senate

Senators are elected to fill the offices described below.

### President of the Senate

The President of the Senate is the chief administrative officer for the Senate.

The President of the Senate:

- ✓ presides over the Senate, maintains order, and decides questions of order and privilege;
- ✓ approves the calendar;
- ✓ is ultimately responsible for administration, budget approval, and management of the Senate and its staff;
- ✓ certifies legislative acts and records as required; and
- ✓ carries out responsibilities related to bills and resolutions, including referral to committees and the request for fiscal notes and other statements.

■ **President Pro Tempore of the Senate**

The President pro tempore of the Senate performs the duties of the President of the Senate when the President is absent or disqualified.

■ **Senate Majority Floor Leader**

The Senate Majority Floor Leader is the lead speaker in floor debate. The Senate Majority Floor Leader makes procedural motions during floor sessions and assists the President of the Senate with monitoring the progress of and scheduling of bills and with policy and position development. The Senate Majority Floor Leader is an ex officio member of all committees and, if present, may be counted toward establishing a quorum.

■ **Senate Minority Floor Leader**

The Senate Minority Floor Leader is the minority party's leader in the Senate and develops the minority position and negotiates with the majority party. The Senate Minority Floor Leader is an ex officio member of all committees and, if present, may be counted toward establishing a quorum.

■ **Party Whips**

Each party also has one or more whips. The whips are responsible for ensuring that members are present at moments of importance to the party and for other duties related to helping the party accomplish its goals and further its positions.



Montana Capitol, Senate Chambers

The following are staff officers of the Senate who are appointed by the President of the Senate, subject to confirmation by the Senate.

### ■ **Secretary of the Senate**

The major responsibilities carried out by the Secretary of the Senate or the secretary's staff include:

- ✓ receiving, tracking, and transmitting bills and resolutions and related documents;
- ✓ preparing the daily calendar and organizing floor business at the direction of the President of the Senate;
- ✓ keeping records, including records of votes;
- ✓ hiring and supervising most Senate employees;
- ✓ directing the work of committee secretaries; and
- ✓ providing clerical services.

### ■ **Sergeant at Arms**

The primary responsibilities of the Sergeant at Arms of the Senate are:

- ✓ maintaining order as directed by the President of the Senate or the presiding officer;
- ✓ providing security services for the Senate;
- ✓ supervising pages;
- ✓ regulating access to the Senate Chamber;
- ✓ administering and enforcing parking space requirements for areas under the control of the Senate; and

- ✓ purchasing and distributing supplies and equipment for the Senate.

The Sergeant at Arms of the Senate supervises employees assigned to the office of the Sergeant at Arms to carry out these duties.

## ■ **House of Representatives**

Representatives are elected to fill the offices described below.

### ■ **Speaker of the House**

The Speaker of the House is the chief administrative officer for the House of Representatives. The Speaker of the House:

- ✓ presides over the House of Representatives, maintains order, and decides questions of order;
- ✓ is ultimately responsible for administration, budget approval, and management of the House of Representatives and its staff;
- ✓ certifies legislative acts and records as required;
- ✓ carries out responsibilities related to bills and resolutions, including referral to committees and the request for fiscal notes and other statements;
- ✓ sets the agendas for second and third reading, subject to amendment by the House of Representatives;

- ✓ makes committee appointments, except for the Rules Committee; and
- ✓ is an ex officio member of all committees and, if present, may be counted toward establishing a quorum.

■ **Speaker Pro Tempore of the House**

The Speaker pro tempore of the House presides over the House of Representatives in the absence or inability of the Speaker of the House and carries out other duties assigned by the Speaker.

■ **House Majority Floor Leader**

The House Majority Floor Leader is the lead speaker in floor debate. The House Majority Floor Leader makes procedural

motions during floor sessions and assists the Speaker of the House with monitoring the progress of and scheduling of bills and with policy development. The House Majority Floor Leader is an ex officio member of all committees and, if present, may be counted toward establishing a quorum.

■ **House Minority Floor Leader**

The House Minority Floor Leader is the minority party's leader in the House of Representatives and develops the minority position, negotiates with the majority party, and makes recommendations for the assignment of minority committee members and minority vice presiding officers. The House Minority Floor Leader is an ex officio member of all committees and, if present, may be counted toward establishing a quorum.

■ **Party Whips**

Each party also has one or more whips. The whips are responsible for ensuring that members are present at moments of importance to the party and for other duties related to helping the party accomplish its goals and further its positions. Absentee vote forms are submitted to a party whip.

The following are staff officers of the House of Representatives who are appointed by the Speaker of the House, subject to confirmation by the House.

■ **Chief Clerk of the House**

The major responsibilities carried out by the Chief Clerk of the House or the Chief Clerk's staff include:



Montana Capitol, House Chambers

- ✓ receiving, tracking, and transmitting bills and resolutions and related documents;
- ✓ organizing floor business at the direction of the Speaker of the House;
- ✓ keeping records, including records of votes;
- ✓ supervising all employees of the House of Representatives;
- ✓ directing the work of committee secretaries; and
- ✓ providing clerical services.

- ✓ maintaining order as directed by the Speaker of the House or the Chief Clerk of the House;
- ✓ providing security services for the House of Representatives;
- ✓ supervising pages;
- ✓ regulating access to the House Chamber;
- ✓ enforcing parking regulations in areas under the control of the House of Representatives; and
- ✓ purchasing and distributing supplies and equipment for the House of Representatives.

### ■ **Sergeant at Arms**

The primary responsibilities of the Sergeant at Arms of the House of Representatives are:

The Sergeant at Arms of the House of Representatives supervises employees assigned to the office of the Sergeant at Arms to carry out these duties.

## ■ **Legislative Council**

The Legislative Council is a 12-member, bipartisan, bicameral, statutory committee of the Montana Legislature.\* The legislators in the following leadership positions must serve unless they are approaching the end of their term: President of the Senate, Speaker of the House, and minority leaders from each house. Legislators in these positions who will not serve in the following legislative session because of term limits may designate another member to serve on the Council in their place.

The Legislative Council oversees the activities of the Legislative Services Division. Selected duties of the Legislative Council include the following:

- ✓ adopting personnel management, classification, and pay policies for Legislative Branch employees, with the concurrence of the Legislative Finance and Legislative Audit Committees;
- ✓ establishing time schedules and deadlines for work conducted by interim committees;

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\* In general, statutory legislative committees have equal numbers of senators and representatives. The law usually limits the number of committee members from each house that belong to a single political party to half of the members from each house. Each committee will include equal numbers of legislators from the majority party and the minority party or party with the second highest number of legislators.

- ✓ assigning interim studies and issues of statewide importance that arise during the interim to interim committees;
- ✓ approving the computer system plan for the Legislative Branch;
- ✓ administering the legislative intern program;
- ✓ overseeing publication of the MCA and supervising the Code Commissioner's work;
- ✓ appointing legislators to serve as members of appropriate interstate, international, and intergovernmental entities; and
- ✓ submitting a budget proposal for the administratively consolidated Legislative Branch entities.



## ■ Legislative Services Division

The Legislative Services Division acts as an independent, nonpolitical, impartial agency for the Legislature. The Executive Director manages the Legislative Services Division. The staff of the Legislative Services Division is organized into functional offices as illustrated in **Figure 3-1**.

The mission of the Legislative Services Division is to provide research, reference, legal, technical, information technology, and administrative support services to the Senate, House, and other divisions of the Legislative Branch in support of effective and efficient operation of the Legislative

Branch and to support the mission of the Legislative Council.

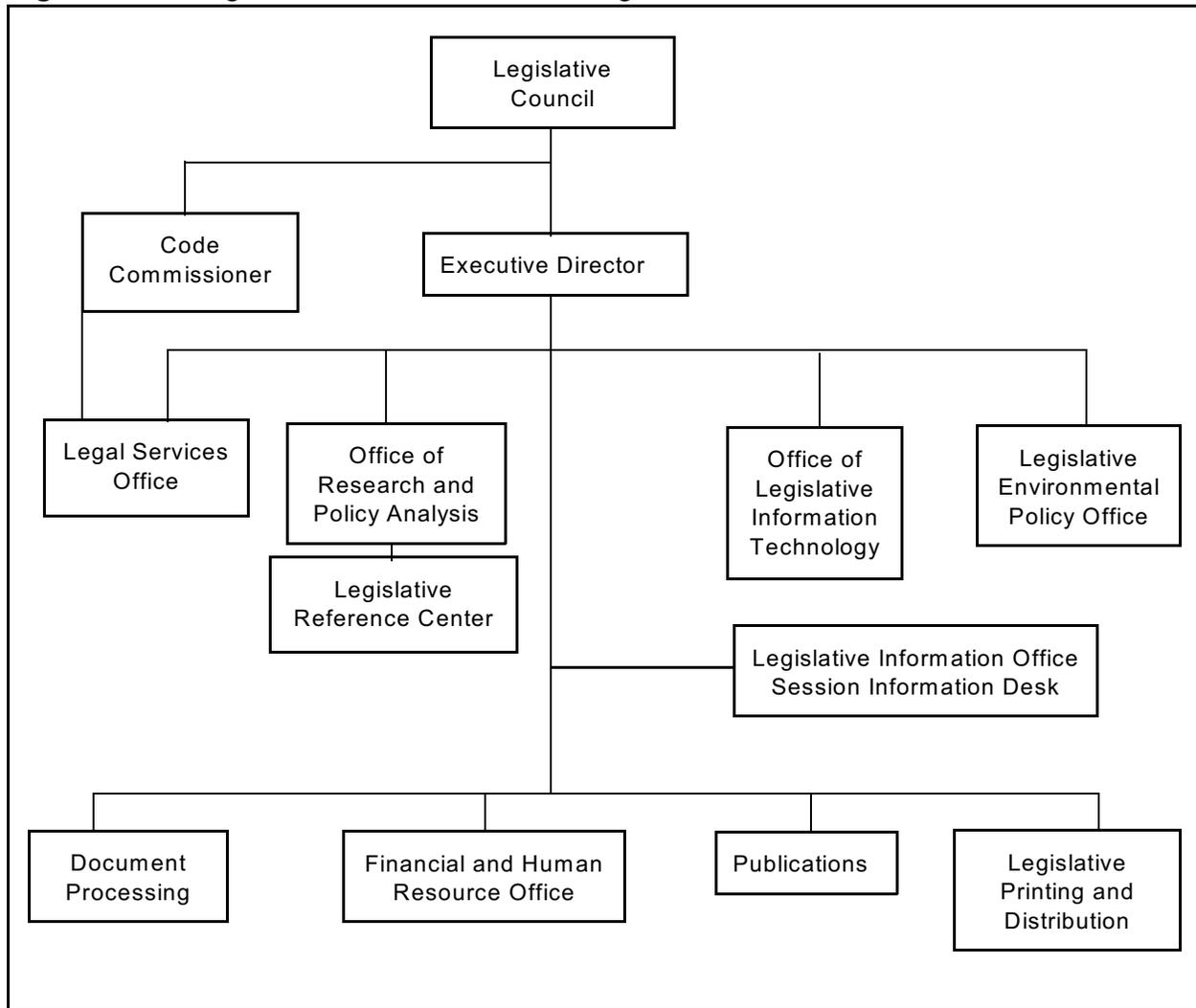
Division services are summarized below.

### ■ Legislation

- ✓ drafting bills and resolutions and amendments to proposed legislation;
- ✓ providing legal review of bills and resolutions before introduction; editing, proofreading, and assembling bills and resolutions for introduction;
- ✓ engrossing and enrolling of bills and resolutions; and
- ✓ reviewing the text of proposed ballot measures for clarity, consistency, and conformity with the *Bill Drafting Manual*.

THE MISSION OF THE LEGISLATIVE SERVICES DIVISION IS TO PROVIDE RESEARCH, REFERENCE, LEGAL, TECHNICAL, INFORMATION TECHNOLOGY, AND ADMINISTRATIVE SUPPORT SERVICES TO THE SENATE, HOUSE, AND OTHER DIVISIONS OF THE LEGISLATIVE BRANCH.

**Figure 3-1. Legislative Services Division Organizational Chart**



■ **Publication and Distribution**

- ✓ preparing, publishing, and distributing the *Montana Legislative Review*, session laws, text and annotations of the Montana Code Annotated (MCA), *History and Final Status* for each legislative session, Legislative Services Division reports and documents, and other legislative information; and
- ✓ printing and distributing *Rules of the Montana Legislature*, bills,

fiscal notes, resolutions, journals, and other legislative information.

■ **Research and Reference**

- ✓ providing legislative research and reference services and maintaining a collection of reference materials; and
- ✓ providing interlibrary loan services to legislators and staff.

■ **Legal**

- ✓ providing legal opinions to legislators regarding issues of state law; and
- ✓ providing legal services to the Legislative Branch consolidated entities.

■ **Management and Business Services for Legislative Branch Consolidated Entities**

- ✓ preparing and monitoring budgets;
- ✓ processing reimbursement claims and payrolls;
- ✓ purchasing supplies and equipment and maintaining property inventories; and
- ✓ providing personnel and administrative services.

■ **Committee Services**

- ✓ providing research, legal, and administrative staff support for the Legislative Council, the Environmental Quality Council, the Districting and Apportionment Commission, and statutory interim committees;
- ✓ providing research and project management for interim studies;
- ✓ providing technical staff support for the Legislative Branch Computer System Planning Council; and
- ✓ providing research and legal services for legislative standing and select committees.



■ **Public Education and Information**

- ✓ providing information about the Legislature and legislative process to the public;
- ✓ helping to train and educate legislators about staff services and the legislative process;
- ✓ serving as a liaison for media seeking information about the legislative process and institution;
- ✓ producing and distributing educational information via printed publications and the legislative website for legislators and the public; and
- ✓ relaying messages from the public to legislators during sessions.

■ **Information and Communications Technology**

- ✓ planning, developing, and maintaining the computer network and applications for the Legislative Branch;
- ✓ developing and maintaining systems to provide public access to legislative information online;
- ✓ broadcasting legislative meetings; and
- ✓ coordinating communications services.

## ■ Legislative Audit Committee

The Legislative Audit Committee is a 12-member, bipartisan, bicameral, statutory committee of the Montana Legislature. The existence of a committee to oversee auditing duties is mandated by the Montana Constitution. The primary functions of the Legislative Audit Committee include the following:

- ✓ appointing, consulting with, and advising the Legislative Auditor;
- ✓ reviewing audit reports and releasing audit reports to the public; and
- ✓ serving as a conduit between the Legislative Auditor and the Legislature.

## ■ Legislative Audit Division

The Legislative Auditor manages the Legislative Audit Division. The Legislative Audit Division conducts independent audits under the supervision of the Legislative Audit Committee and provides factual and objective information to the legislative and executive managers of the public trust.

The Legislative Audit Division operates a toll-free telephone "Fraud Hotline" that enables state employees and the public to report improper acts committed by state departments, agencies, or employees.

The organizational structure of the Division is illustrated in **Figure 3-2**.

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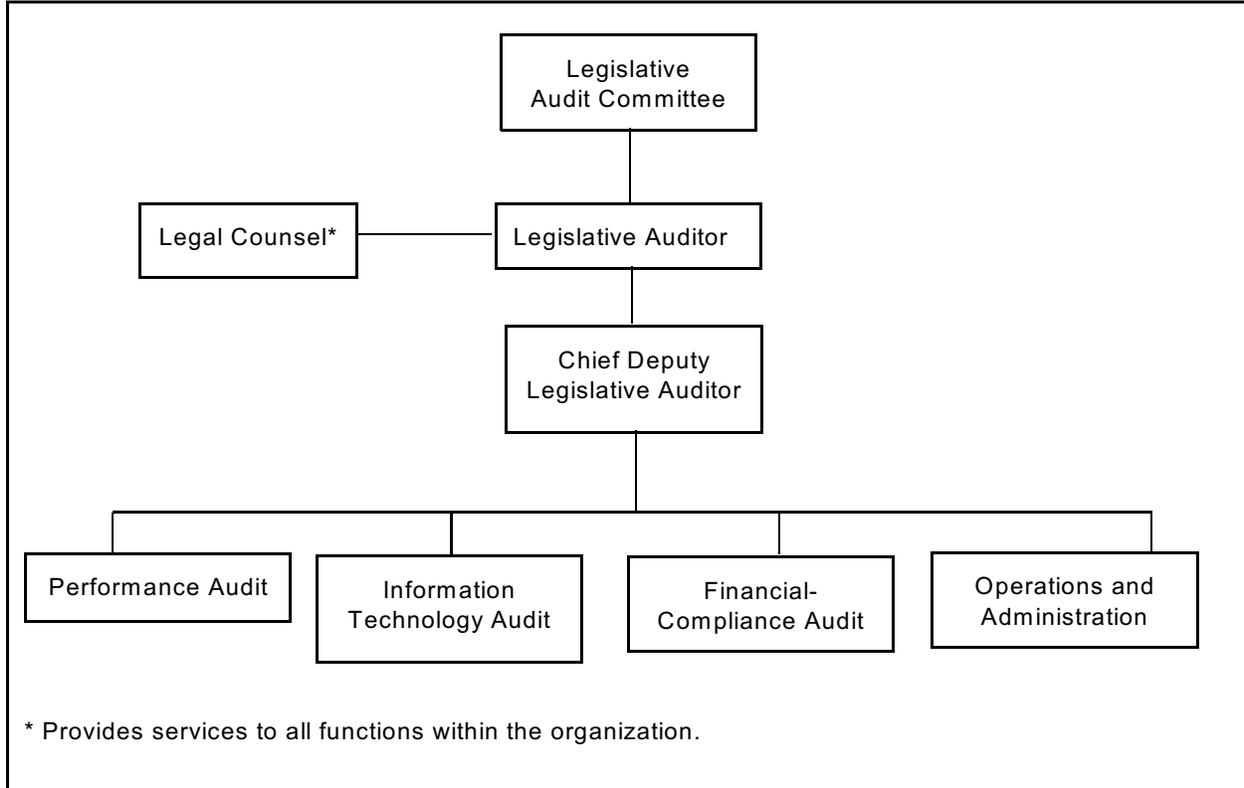
THE LEGISLATIVE AUDIT DIVISION  
PROVIDES FACTUAL AND  
OBJECTIVE INFORMATION TO THE  
LEGISLATIVE AND EXECUTIVE  
MANAGERS OF THE PUBLIC TRUST.

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The goals of the Legislative Audit Division are listed below.

- ✓ provide the Montana Legislature and state agency directors and program managers with independent information regarding whether state agencies:
  - conduct only those activities and programs authorized by the Legislature;
  - conduct programs effectively and efficiently;
  - make expenditures only in accordance with applicable laws and regulations;
  - collect and account properly for all revenue and receipts; and
  - adequately safeguard and control assets;
- ✓ provide whatever assistance may be requested by the Legislature, its committees, and its members; and
- ✓ make comments, recommendations, and suggestions for the improvement of state agency operations and activities.

**Figure 3-2. Legislative Audit Division Organizational Chart**



The types of audits conducted are summarized briefly below.

■ **Financial-Compliance**

The financial-compliance audit staff perform audits of state agencies and local governments in accordance with applicable audit standards to determine whether an entity's financial operations are properly conducted, the financial reports are presented fairly, and the entity has complied with applicable laws and regulations. During each fiscal year, financial-compliance audit staff also complete work on legislative requests, special projects, and identified or suspected fraudulent activities involving federal or state agencies.

■ **Performance**

Performance audits include economy and efficiency audits and program audits. Economy and efficiency audits determine whether a program is making the most efficient use of its resources. Program audits help to determine whether a program is achieving the desired results or benefits established by the Legislature, is effective, and is complying with applicable laws and rules. The Legislative Audit Committee establishes the priorities for the completion of performance audits. Performance audits may also be required by statute.

## ■ Information System

Information system audits combine some of the elements of both financial-compliance and performance audits. Controls within information system operations are examined to determine whether assets are adequately safeguarded and to determine the reliability of computer-generated reports. In addition, information system audits address efficiency and effectiveness issues, such as acquisition of computer equipment and security and management of computer resources.

## ■ Legislative Finance Committee

The Legislative Finance Committee is a 12-member, bipartisan, bicameral, statutory committee of the Montana Legislature that meets during the interim to review fiscal issues. Four members must serve on the Senate Finance and Claims Committee, and four members must serve on the House Appropriations Committee.

The primary functions of the Legislative Finance Committee are summarized below.

- ✓ appointing, consulting with, and advising the Legislative Fiscal Analyst;
- ✓ before each legislative session involving budgetary matters, making recommendations to the Senate Finance and Claims Committee and the House Appropriations Committee regarding certain budget issues;

- ✓ reviewing dedicated revenue provisions and reporting recommendations to the Legislature;
- ✓ reviewing and commenting on budget amendments, reductions in spending, proposed supplemental appropriations to transfer appropriations between fiscal years of a biennium, operating budget changes, and program transfers;
- ✓ receiving reports on specific state financial matters;
- ✓ monitoring information technology policies of the Department of Administration and providing written comment on proposed policy changes; and
- ✓ identifying information technology issues likely to require future attention.

## ■ Legislative Fiscal Division

The Legislative Fiscal Analyst manages the Legislative Fiscal Division. The Legislative Fiscal Division is committed to enhancing the legislative process through understandable and objective fiscal policy analysis and information.

The Division staff serve two main functions that are described below.

### ■ Revenue Estimation and Tax Policy Analysis

Division staff provide objective, impartial estimation of state revenue during the legislative session and throughout the interim. Staff also analyze all bills impacting tax policy and collections

during the legislative session, assist the tax committees of each house, assist the Revenue and Transportation Interim Committee, and conduct tax policy research.

Staff in this section specialize in various areas of revenue estimation, including estimation of K-12 school aid (the Base Amount for School Equity (BASE) funding program).

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THE LEGISLATIVE FISCAL DIVISION IS COMMITTED TO ENHANCING THE LEGISLATIVE PROCESS THROUGH UNDERSTANDABLE AND OBJECTIVE FISCAL POLICY ANALYSIS AND INFORMATION.

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■ **Expenditure Analysis**

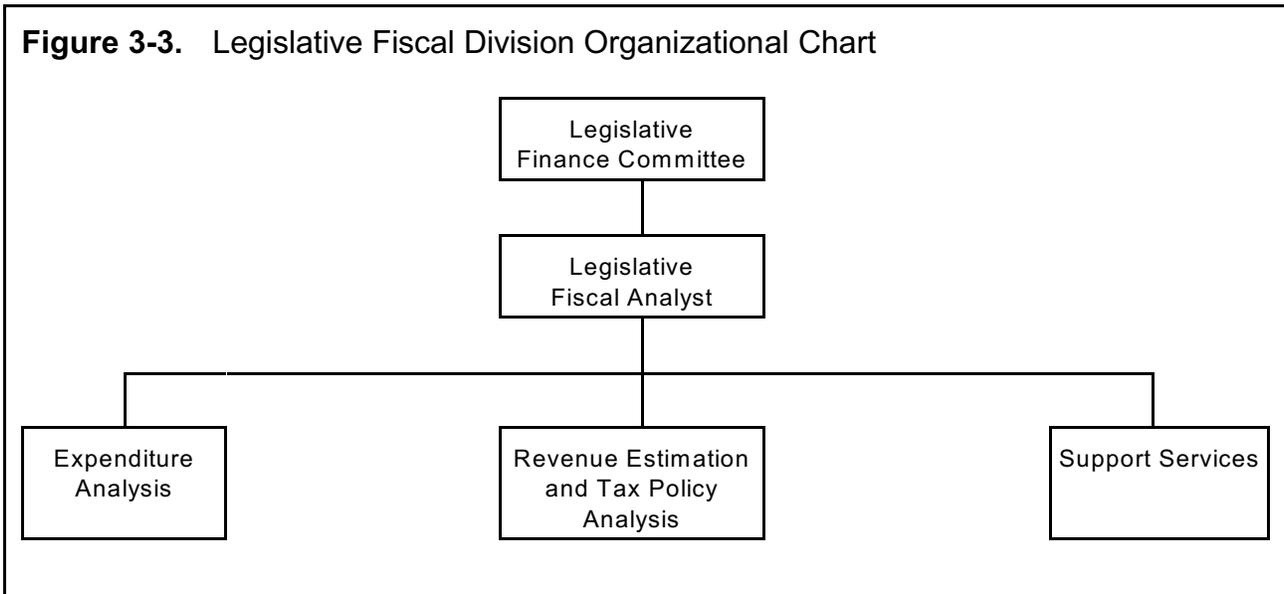
Division staff provide objective, impartial analysis of state agency operations and

expenditures during the legislative session and throughout the interim. Fiscal analysts staff appropriations subcommittees, write the general appropriations bill, and conduct other fiscal research as required or requested.

Each analyst in this section specializes in the operations and budgets of a group of state agencies. Analysts in this section can answer questions about individual agencies and their budgets, as well as general budgeting and appropriation questions.

The organizational structure of the Legislative Fiscal Division is illustrated in **Figure 3-3**. The goals of the Legislative Fiscal Division are presented below.

- ✓ strive to the highest professional and ethical standards;
- ✓ support the rights, responsibilities, and ability of the Legislature to establish and oversee fiscal policy;



- ✓ be viewed as the state's fiscal experts and trusted fiscal policy organization;
- ✓ support the Legislative Finance Committee and other committees in their roles to recommend fiscal policies and oversee the implementation of established policies; and
- ✓ attract, provide for, and retain a highly qualified, well-trained, and efficient staff.

## ■ Consumer Counsel

The Legislative Consumer Committee appoints the Consumer Counsel, a position required by the Montana Constitution. The four-member committee meets at least quarterly to advise and consult with the Consumer Counsel.

Activities of the Consumer Counsel are described below.

- ✓ representing Montana consumers in utility and transportation proceedings before the:

- Montana Public Service Commission;
- Federal Energy Regulatory Commission;
- Interstate Commerce Commission;
- Federal Communications Commission; and
- other federal administrative agencies;
- ✓ representing Montana consumers in appropriate state and federal court proceedings;
- ✓ monitoring proposed legislation and participating in the legislative process before the Montana Legislature and the U.S. Congress on behalf of Montana consumers; and
- ✓ participating in activities that will help to develop competitive markets in restructured utility industries.

The office is funded by fees assessed on regulated companies.