

CHAPTER 5: ORGANIZING THE MONTANA LEGISLATURE

Introduction

In January of every odd-numbered year, a new Legislature begins to serve for 2 years. The 61st Legislature will convene at noon on January 5, 2009. This chapter describes how each Legislature gets organized, from the election of members to the first day of the legislative session.

THE MONTANA CONSTITUTION
REQUIRES THE LEGISLATURE TO
MEET FOR A REGULAR SESSION IN
EACH ODD-NUMBERED YEAR.

Election of Members

One-half of the Senate is elected every 2 years. The entire House of Representatives is elected every 2 years. The general election is held in early November of every even-numbered year, approximately 2 months before the Legislature convenes for the regular session.* Following the election, the Secretary of State prepares certified rosters of the members of each house of the Legislature. Newly elected members begin their terms on the first day of the legislative session.

See Chapter 4 for information about districts and qualifications of legislators.

*The date of the general election is set in statute: the first Tuesday after the first Monday in November of every even-numbered year.

Legislative Sessions

Regular Session

The Montana Constitution requires the Legislature to meet for a regular session in each odd-numbered year. The regular session may not exceed 90 days. A Legislature has the power to increase the limit on the length of the session for a subsequent regular session of the Legislature.

The law provides that each regular session of the Legislature begins at noon on the first Monday of January. When January 1 falls on a Monday, the regular session begins on the first Wednesday in January.

Special Sessions

A special session may be convened in the following ways:

- ✓ The Governor may call a special session.
- ✓ A majority of the members of the Legislature may request a special session in writing. In order to request a special session, 10 members of the Legislature may request the Secretary of State to poll legislators to determine if a majority are in favor of a special session. The request must specify the conditions warranting the call of a special session, the purposes of the special session, and the

proposed date and time for convening the special session. If a majority of members are in favor of the special session, the Secretary of State will notify legislators of the date and time of the special session.

- ✓ When the Legislature is in session, a special session may be called by a recorded vote of a majority of the members of the Legislature.

A special session may be limited to subjects specified in the call.

The law also provides for emergency sessions to be convened if the Governor and the Governor's primary successors are killed in an enemy attack or are unable to serve.

■ Caucuses

After the election and before December 1 of each even-numbered year, the parties of each house are required to hold a pre-session caucus for newly elected legislators and holdover senators who will continue to serve in the Legislature. The date of the pre-session caucus is set by the Legislative Council. Officers for each house are nominated during the pre-session caucus. Certain officers must be elected by the house in which they serve after the Legislature convenes. Traditionally, the nominated officers begin to serve as if they will be elected, and the elections held on the first day are a formality. The officers to be nominated for each house are listed below. Duties of each office are described in Chapter 3.

■ Senate

- ✓ **Officers elected by the Senate:**
 - President
 - President Pro Tempore
- ✓ **Officers elected by the appropriate caucus of the Senate:**
 - Majority Floor Leader
 - Minority Floor Leader
 - Majority Whip
 - Minority Whip

The members of the Senate Committee on Committees are elected by the Senate.

■ House of Representatives

- ✓ **Officers elected by the House of Representatives:**
 - Speaker
 - Speaker Pro Tempore
- ✓ **Officers elected by the appropriate caucus of the House of Representatives:**
 - Majority Floor Leader
 - Minority Floor Leader
 - Majority Whip
 - Minority Whip

■ Pre-session Organization

After the November election, each person who will serve in the next Legislature will receive a request to indicate the person's preferences for standing committee appointments. Committee members are

appointed following the pre-session caucuses. In general, the Senate Committee on Committees appoints, with the approval of the Senate, members to committees of the Senate. The Speaker of the House appoints members to committees of the House of Representatives.

Also during the pre-session period, the legislative leaders and the members appointed to the Legislative Administration Committees and the Rules Committees meet to hire session employees and carry out organizational tasks.

The President of the Senate appoints a Secretary of the Senate and a Sergeant at Arms. The Speaker of the House appoints a Chief Clerk of the House and a Sergeant at Arms. The duties of these staff officers are described in Chapter 3. The law also provides for appointment of a chaplain for each house.

Before the session begins, the Senate Finance and Claims Committee and the House Appropriations Committee may review appropriation requests and may visit state agencies and institutions, although this is rarely done.

■ Convening the Senate

The following activities usually take place on the first day of the legislative session in the Senate.

- ✓ Senators and senators-elect report to the Senate Chamber and sit in assigned seats that are indicated on a seating chart.

- ✓ The first day's session is called to order.
- ✓ Roll is called.
- ✓ The constitutional oath of office is administered to the senators-elect.
- ✓ The rules of the previous Legislature are adopted as the temporary operating rules for the current Legislature.
- ✓ Officers nominated at the pre-session caucuses are officially elected.
- ✓ Staff officers appointed by the President of the Senate are confirmed.
- ✓ Welcoming speeches are delivered.
- ✓ The President of the Senate appoints small, select committees to notify each of the other branches of state government and the other house that the Senate is organized and ready for business.
- ✓ The reports of the Committee on Committees recommending appointments to committees and the Legislative Administration Committee recommending employment of attachés (session employees) of the Senate are read.
- ✓ The first reading and commitment of all preintroduced and other introduced bills and resolutions occur.

Other business may also be conducted. See Chapter 9 for more information about floor sessions in each house.

■ Convening the House of Representatives

The following activities usually take place on the first day of the legislative session in the House of Representatives.

- ✓ Representatives-elect report to the House Chamber and sit in assigned seats that are indicated on a seating chart.
- ✓ The first day's session is called to order by the Secretary of State.
- ✓ Roll is called.
- ✓ The constitutional oath of office is administered to the representatives-elect.
- ✓ The rules of the previous Legislature are adopted as the temporary operating rules for the current Legislature.
- ✓ Officers nominated at the pre-session caucuses are officially elected.

- ✓ Staff officers appointed by the Speaker of the House are confirmed.
- ✓ Welcoming speeches are delivered.
- ✓ The Speaker of the House appoints small, select committees to notify each of the other branches of state government and the other house that the House of Representatives is organized and ready for business.
- ✓ The first reading and commitment of all preintroduced and other introduced bills and resolutions occur.

Other business may also be conducted. See Chapter 9 for more information about floor sessions in each house.