

## COMMONLY ASKED QUESTIONS ABOUT THE LEGISLATIVE COUNCIL

Prepared by the Legislative Services Division

Revised April 2021

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### ***What is the Legislative Council?***

The Legislative Council is a statutory, bipartisan, legislative committee established in 1957. Originally known as the "research arm of the legislature," the Council serves important leadership functions within the Legislative Branch.

The Legislative Council's mission, as established by the Council itself, is to provide ongoing leadership, direction, and foresight for the efficient operation and improvement of the Legislative Branch; to establish personnel and pay policies in order to maintain professional and highly motivated employees; to educate the public about the Legislature and foster public participation in the legislative process; and to preserve the integrity of the Legislature as an equal branch of government.

### ***Who sits on the Legislative Council?***

The Council is composed of 12 members of the Legislature. Four of the members serve by virtue of their leadership positions: the President of the Senate, the Speaker of the House, and the Minority Leaders of each house. Four other Senators are appointed by the Committee on Committees, and four other Representatives are appointed by the Speaker. Appointments are made as soon as possible after organization of the Legislature is completed at the beginning of each regular session. A member who is in a leadership position and who is in the last biennium of service because of term limits may appoint a legislator who is not term-limited to serve in his or her place.

The Council members for the 2021 - 2022 interim are:

Senator Mark Blasdel, President  
Senator Jill Cohenour, Minority Leader  
Senator Jason Ellsworth  
Senator Pat Flowers  
Senator JP Pomnichowski  
Senator Cary Smith

Representative Wylie Galt, Speaker  
Representative Kim Abbott, Minority Leader  
Representative Laurie Bishop  
Representative Derek Harvey  
Representative Casey Knudsen  
Representative Rhonda Knudsen

### **What does the Legislative Council do during a typical biennium?**

Between legislative sessions, the Legislative Council meets about six to eight times. In addition, the Council may meet during a legislative session. The Council also has established a tradition of holding a strategic planning session in the fall after session. This session is designed to allow members to think together about the legislative process and to establish an agenda for the Council to address issues raised at the strategic planning session.

The following is a master calendar outlining *minimum* Legislative Council responsibilities and approximate times that they need to be accomplished each biennium.

#### **April - June 2021**

- ☐ Elect presiding officers
- ☐ Review status of biennial budget
- ☐ Review status of Legislative Council legislation
- ☐ Establish interim study program
- ☐ Appoint membership of interstate organizations
- ☐ Set prices for session publications and codes
- ☐ Establish operating budget for ensuing fiscal years

#### **July - December 2021\***

- ☐ Conduct strategic planning for 2021-22 interim
- ☐ Develop and implement strategic objectives
- ☐ Conduct interim studies, if any
- ☐ Establish any subcommittees, i.e. Rules Subcommittee.
- ☐ Receive updates on Legislative Services Division projects and activities

#### **January - April 2022**

- ☐ Begin budget development for succeeding biennium
- ☐ Identify budget initiatives
- ☐ Identify proposed legislation for Legislative Council sponsorship
- ☐ Set Caucus, Orientation, and training schedules for 2023 session.

**May - June 2022**

- ☐ Review preliminary budget proposals for ensuing biennium
- ☐ Review Executive Branch (OBPP) agencies' proposed legislation for 2023 session
- ☐ Identify/review proposed Legislative Council legislation
- ☐ Receive proposed rule changes from subcommittee

**July - October 2022\***

- ☐ Review and approve Legislative Branch Information Technology System Plan
- ☐ Receive Code Commissioner Report
- ☐ Adopt proposed rules changes for submission to Rules Committee after election/caucus
- ☐ Approve budget submission prior to October 10, 2022 (preliminary budget due Sept. 5)

**November 2022**

- ☐ Set prices for session proceedings (bills, etc.)
- ☐ Set Session Employee Pay Matrix

***What does the Legislative Council do during a typical meeting? How is the agenda developed?***

Some typical items that appear on Council agendas include:

- ☐ receive reports and action items brought forward by Council subcommittees, work on strategic planning initiatives (i.e., rules, succession planning, staffing needs);
- ☐ review budget status of Feed Bill, Leadership, and Legislative Services Program 20 (staff) and Program 21 (legislator interim committees and activities);
- ☐ review of planning issues related to the Capitol and allocation of space in the Capitol;
- ☐ review and make decisions on issues that arise prior to organizing the next legislature (i.e., orientation and training, caucuses, rules);
- ☐ consider land transfer issues on referral from the Board of Land Commissioners; and
- ☐ receive requested or required reports on work of Legislative Services Division staff members.

The agenda is developed informally with items added as required, requested by members, and

approved by the Presiding Officers. The Executive Director indicates the nature of each item on the agenda along with the decision or action needed by the Council.

***Who are the staff for the Legislative Council?***

The Executive Director, Susan Byorth Fox, and Chief Legal Counsel, Todd Everts, of the Legislative Services Division are the primary staff for the Legislative Council. The Management Team including the Research Director, the Legislative Environmental Analyst, the Chief Information Officer and Managers, the Financial Services Manager, the Human Resources Manager, and other staff as needed also provide active support for various council responsibilities.

***What can the Legislative Council do for you as a member?***

- Allow you to be involved in shaping the future of the Montana Legislature as an institution.
- Help you develop insight and expertise in the operation and management of the legislative institution, provide an opportunity for leadership, direction, and foresight for the efficient operation and improvement of the Legislative Branch, and to guide the management and development of staff support.

***How do I prepare for a Legislative Council meeting?***

Be engaged and participate. At times, the administrative kinds of work the Legislative Council does may not seem as engaging as the policymaking work of the session or other interim committees, but it is work necessary for the well-being of the legislative institution. Engagement and thoughtful work toward a stronger legislative institution can be difficult, yet interesting and rewarding. As a member of the Legislative Council, you can:

- be proactive in addressing the current and future needs of the institution;
- be informed by reading reports, plans, proposals, and minutes provided to you and developing follow-up questions and requests;
- learn as much as you can about the organization of the Legislative Branch and the Legislative Services Division and develop proposals for matching support services to legislators' current and future needs;
- develop and maintain good communications with members of the Legislative Audit and

Finance Committees to maximize mutual understanding and cooperation within the Legislative Branch;

- be sure to ask questions regarding any Council or Legislative Services Division duties; and
- communicate frankly with the Presiding and Vice-presiding Officers and staff on matters such as preferred style and length of presentations, conduct of meetings, format of reports, and other topics pertinent to Legislative Council business.

***What are the statutory responsibilities of the Legislative Council?***

The Council's statutory duties are:

- designate the time for holding the presession caucuses (5-2-201, MCA);
- allocate office space occupied by the Legislative Branch (5-2-503, MCA);
- select studies to be conducted during the interim and assign the studies to the appropriate committees (5-5-217, MCA);
- employ and set the salary of the Executive Director of the Legislative Services Division (5-11-105, MCA);
- adopt rules for classification and pay of Legislative Branch employees with the concurrence of the Legislative Audit and Finance Committees (5-11-105, MCA);
- adopt rules governing personnel management of Legislative Branch employees with the concurrence of the Legislative Audit and Finance Committees (5-11-105, MCA);
- adopt procedures to administer legislator claims for reimbursements authorized by law for interim activity (5-11-105, MCA);
- establish time schedules and deadlines for the interim committees of the Legislature, including dates for requesting bills and completing interim work (5-11-105, MCA);
- review proposed legislation for agencies or entities that are not assigned to an interim committee or the Environmental Quality Council (5-11-105, MCA);
- assign to an appropriate committee a question of statewide importance that arises between sessions and for which there is no legislative committee already assigned to address the question (5-11-105, MCA);
- establish a functional organization within the Legislative Services Division in order to effectively and efficiently carry out all responsibilities delegated to the Division (5-11-112, MCA);
- set fees for proceedings of the Legislature (5-11-212, MCA);
- serve as the agency of interstate, international, and intergovernmental cooperation and as the appointing authority for legislative membership for voting purposes in interstate, international, and intergovernmental entities (5-11-303 through 5-11-305, MCA);

- approve and adopt a Legislative Branch computer system plan developed by the Legislative Branch Information Technology Planning Council (5-11-405, MCA);
- appoint members to policy committees of the Pacific Northwest Economic Region (5-11-707, MCA);
- assist the Legislative Services Division in providing oversight of the state governmental broadcasting structure (5-11-1111, MCA), know as MPAN or the Montana Public Affairs Network;
- provide general supervision and policy for the Code Commissioner (1-11-203, MCA);
- with the advice of the Code Commissioner, decide on the quantity, quality, style, format, and grade of all Code Commissioner publications (1-11-301, MCA);
- fix the sales price of the Montana Code Annotated and ancillary publications (1-11-301, MCA);
- appoint members to serve on the Montana Commission on Uniform State Laws (1-12-101, MCA);
- adopt adequate rules for the use of any information technology resources (2-17-518, MCA);
- consult with and advise the Department of Administration concerning the assignment of space in the Capitol (2-17-805, MCA);
- serve as a long-range building committee to recommend to the Legislature and the Department of Administration construction and remodeling priorities for the Capitol (2-17-805, MCA);
- serve as the budget approving authority with respect to Legislative Services Division programs (17-7-102, MCA);
- provide concurrence with the Environmental Quality Council's selection of the Legislative Environmental Analyst (75-1-323, MCA); and
- serve as the appropriate legislative committee for consultation with the Board of Land Commissioners regarding disposal, sale, or exchange of certain state lands (77-2-302 and 77-2-351, MCA).