



Montana Legislative Services Division

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TO: Members of the Local Government Interim Committee
FROM: Julie Johnson, Staff Attorney
RE: Entitlement Share Considerations

At a previous Local Government Interim Committee meeting, members of this committee asked what measures were available to ensure increased consideration and participation, by both legislators and members of the public, in any future legislation that proposed to alter the entitlement share formula. The purpose of this memorandum is to briefly outline some options to require that legislation amending section 15-1-121, MCA, or otherwise altering the formula used to calculate a county's entitlement share payment, to be considered and debated by the Legislature to the greatest extent possible.

Some options include:

- Legislation requiring a supermajority vote to amend section 15-1-121, MCA, effective on the date of passage
- Amend the joint rules to prohibit amendments to section 15-1-121, MCA in either a conference committee, a free conference committee, or in a House Bill No. 2 companion bill
- Amend the Montana Constitution to require a supermajority vote to amend section 15-1-121, MCA

The first option is to pass legislation early in the 2021 session that would require a supermajority vote to any legislation that amends section 15-1-121, MCA. This bill could be introduced at the beginning of session and have an immediate effective date. This option would have limited effect in the long term; however, given that a subsequent legislature could eliminate the supermajority requirement by a simple majority vote. Also, this option does not prevent legislation that would allow for substantive changes to the program in other statutes.

The second option is to add a provision to the joint rules that prohibits amendments to section 15-1-121, MCA, from being introduced in either a conference committee or in a companion bill to House Bill No. 2. This committee may wish to draft a letter to the Rules Committee to request it discuss such a provision and to consider whether inserting a provision that may limit legislative prerogative in this manner is desirable.

The third option, and the option that would best protect the entitlement share formula as it exists today, is to amend the Montana Constitution to require a supermajority vote to alter the entitlement share formula so that it would decrease payments to a county. Drafting such a provision would require care and attention so that it affects the goals of the committee. Obviously, this final option requires the most effort as a proposed constitutional amendment must be approved by the electorate.