

BILLS IN THE MONTANA LEGISLATURE

2022 LEGISLATIVE TRAINING DAY



I. SEPARATION OF POWERS “CHECKS AND BALANCES”

Governor & constitutional officers - Elected

- Proposes budget – Legislature adopts budget, “disposes”
- Governor has Veto Power

Legislature - Elected by district

- Bicameral legislature – based on population, “one person, one vote”
- Passes laws (including budgets) – Executive Branch executes and administers the law
- Monitors and audits budgets and programs of other two branches
- Nonpartisan staff serves both chambers

Judiciary – elected or appointed/confirmed

- Supreme Court is appellate court
- Lower Courts judges are elected
- Interprets and applies laws

MONTANA STATE GOVERNMENT LEGISLATIVE BRANCH

Article V. The legislative power is vested in a legislature consisting of a senate and a house of representatives.

Bicameral form – similar to U.S. Congress

Senate – 50 members, approximately 20,000 population.

- Secretary of the Senate and 50 session staff

House – 100 members, approximately 10,000 population.

- Chief Clerk of the House and 65 session staff

Legislative Council & Legislative Services Division – 67 permanent staff and 15 (+ 23) session staff

Legislative Finance Committee & Legislative Fiscal Division – 20 permanent staff

Legislative Audit Committee & Legislative Audit Division – 52 permanent staff

LEGISLATIVE SERVICES DIVISION: DUTIES

Legal Office: provides legal support to legislators, session and interim committees, bill drafting & editing, codification and annotations of state statutes, administrative rule review

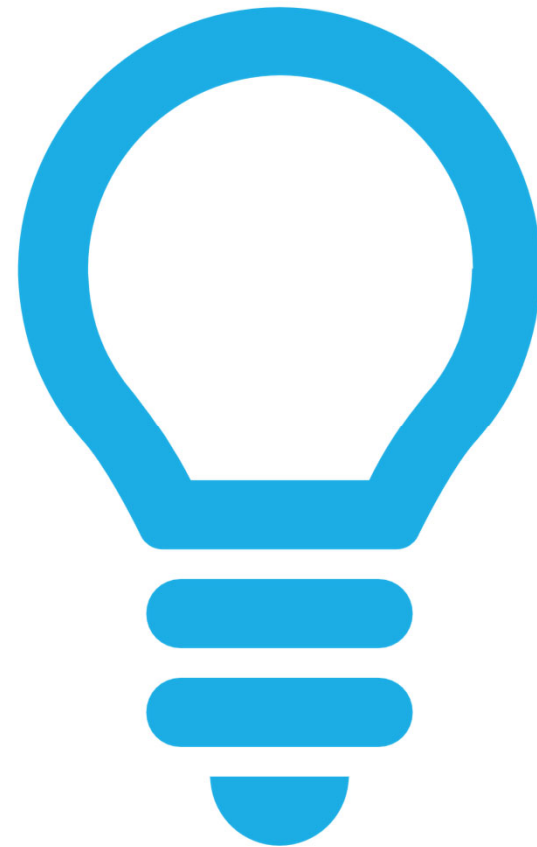
Research Offices: provides research support to session and interim committees, bill drafting, conducts interim studies, research requests, program monitoring

Information Technology & Communications: computer system support for House, Senate, & all three divisions; state broadcasting; audio and video recordings; website

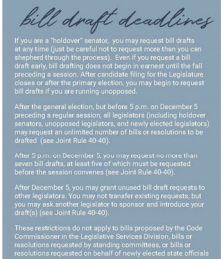
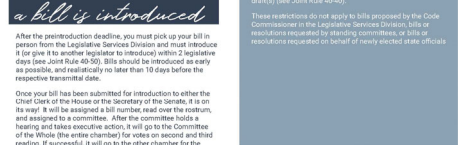
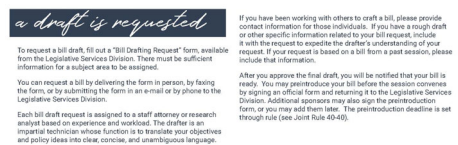
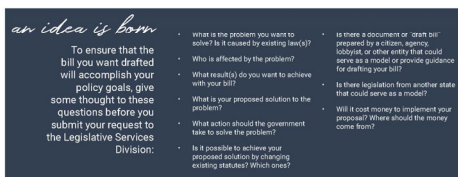
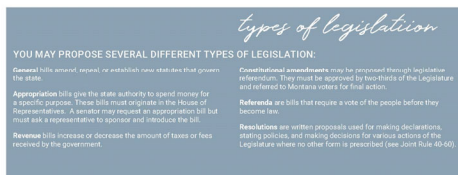
Financial and Human Resources: support for House, Senate, & all three divisions; payroll and benefits, budget development and tracking; human resources support for hiring, position descriptions, classification; business office; facilities management; safety

Session Central Services: bill processing, session print shop, session information office

FROM IDEA TO
INTRODUCTION



FROM IDEA TO INTRODUCTION



AN IDEA IS BORN

- ❖ What is the problem you want to solve? Is it caused by existing law(s)?
- ❖ Who is affected by the problem?
- ❖ What result(s) do you want to achieve with your bill?
- ❖ What is your proposed solution to the problem?
- ❖ What action should the government take to solve the problem?
- ❖ Is it possible to achieve your proposed solution by changing existing statutes? Which ones?
- ❖ Is there a document or “draft bill” prepared by a citizen, agency, lobbyist, or other entity that could serve as a model or provide guidance for drafting your bill?
- ❖ Is there legislation from another state that could serve as a model?
- ❖ Will it cost money to implement your proposal? Where should the money come from?

SO YOU WANT TO CARRY A BILL — WHAT'S NEXT?

- ❖ Only members of the Legislature and Legislative Committees may request bills
 - ❖ Until after the elections, only holdover senators may request
 - ❖ After election, unlimited requests until December 5
 - ❖ Recommendation to request in the order of importance (first 5)
- ❖ Statutes and Legislative Rules Govern Bill Drafting
 - ❖ Rules subject to change during session
- ❖ Conscience, Constituents, Caucus

Questions to Ask Whether You Should Request or Sponsor a Bill:

- ❖ Is this a new idea – what is the status of current law?
- ❖ Is this a local or a statewide issue?
- ❖ Who are or would be the proponents?
- ❖ How supportive are they likely to be?
- ❖ Who are the likely opponents?
- ❖ What are their primary arguments?
- ❖ What is your response to the merits of their opposition? Can you address any challenges?
- ❖ What background to this issue should I know about? What past bills tried to address this issue? What could be unintended consequences?
- ❖ Are there other legislators with a history on this issue I can talk to? Which lobbyists or agencies should I talk to?
- ❖ If I carry this bill, what is my strategy for getting it passed --the stakeholders strategy?
- ❖ Do you know if the agency will support and whether the Governor will sign it?

TYPES OF BILLS

1. Bills Amending Statutes

- General Bills (Majority Vote) – some require Fiscal Notes
- Creation of State Debt (2/3 Vote)
- Governmental Immunity (2/3 Vote)
- Override Governor's Veto (2/3 Vote)
- Revenue Bills (R) – bills to raise money through taxes or fees (not fines, rule change last session)
- Most require a Fiscal Note if requires an expenditure not included in the bill

2. Resolutions (General Bill) – Joint, House, Senate: Study, Confirmations, Expressions of Legislature, Rules changes Admin rules

3. Bills Appropriating Money (A) – generally do not require a fiscal note, unless “Cat & Dog” appropriation that also involves agency duties, includes statutory appropriations

4. Bills Referred to the People (Referendum):

- A. Constitutional Amendment (2/3 Vote) & vote of the people
- B. Ballot Initiative amending statute upon vote of the people (no Appropriations)

LAWMAKING AND DRAFTING LEGISLATION

Bills amending statute

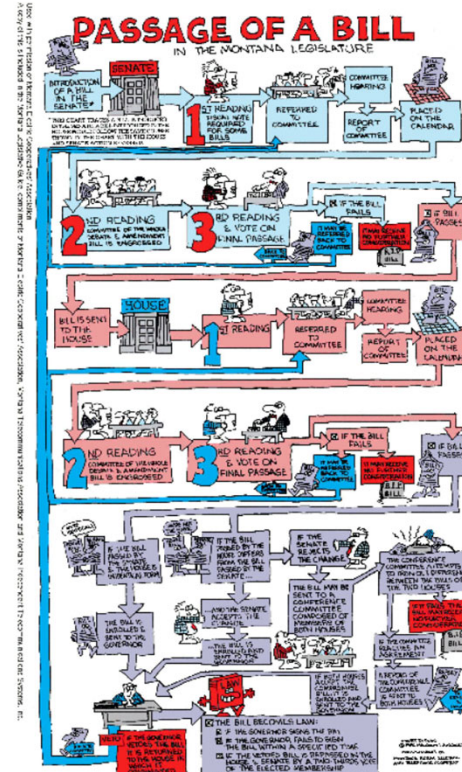
- Requested by legislators or committees
- Agency bills through legislators or committees
- General or Revenue Bills
- Drafted by Legislative Services Division for consistency, plain language
 - Attorneys
 - Research Analysts
 - Editors & Proofers
 - Document Processing
- Heard in Standing Committees
- Heard by House & Senate in Chamber
 - 2nd & 3rd Readings

Appropriation Bills: fund state agencies

- State budget submitted by Governor through Legislative Council: HB 2 – HB 15
- “Cat & dog bills” can be requested by legislators – appropriation accompanies related statutory changes
- Drafted by/through Legislative Services Division
- Analysis/support by Legislative Fiscal Division
- Must be introduced in the House
- Heard in Joint Subcommittees first, then by standing Approp/Finance committees for each chamber
- Heard by House & Senate in Chamber
 - 2nd & 3rd Readings

LEGISLATIVE PROCESS: HOW A BILL BECOMES LAW

- **Introduction in First Chamber– First Reading – Assigned to Committee**
- **Committee Hearing – Testimony, Amend, Vote**
- **Second Reading – Debate, Amend, & Vote**
- **Third Reading – Final Vote, No Amendments or Debate**
- **Transmittal to Second Chamber**
- **First Reading – Assigned to Committee**
- **Committee Hearing - Testimony, Amend, Vote**
- **Second Reading – Debate, Amend, & Vote**
- **Third Reading – Final Vote, , No Amendments or Debate**
- **If amended – back to first chamber (~CC, FCC)**
- **If not amended – to Governor (Resolutions to SOS)**
- **Governor either w/in 10 days: lets become law, signs, amendatory veto, or veto**
- **If vetoed returns to Legislature for consideration by both chambers.**



III. LEGISLATIVE COMMITTEES: STANDING COMMITTEES AND JOINT SUBCOMMITTEES

Standing committees: 13 in each chamber

- Appropriations/Finance and Claims
- Business and Labor
- Judiciary
- State Administration
- Taxation (Revenue)
- Education/ Education & Cultural Resources
- Energy, Tech, Fed Relations/Energy & Telecomm.
- Human Services/Public Health, Welfare, & Safety
- Natural Resources
- Transportation/Highways & Transportation
- Agriculture/Agriculture, Livestock, & Irrigation
- Fish, Wildlife & Parks/Fish & Game
- Local Government

Other: Committees, Rules, Ethics, Administration

Appropriations Joint Subcommittees

- Education – OPI, Board of Public Education, Commissioner of Higher Ed (University), School for Deaf & Blind, Arts Council, State Library, Historical Society
- General Government: Legislative Branch, Governor's Office, Secretary of State, Commissioner of Political Practices, State Auditor, Revenue, Administration, Commerce, Labor, Military Affairs
- Health & Human Services – 1 agency for health programs, welfare, disability services, senior services, protective services, addiction services
- Judicial Branch, Law Enforcement and Justice – Corrections, Courts, Justice, Public service Commission, Public Defender
- Long-Range Planning – State and local infrastructure, capital (building) projects, bonding, grants and loans for water, renewable resources, cultural and aesthetic programs
- Natural Resources and Transportation – Fish, Wildlife, & Parks, Environmental Quality, Transportation, Livestock, Natural Resources & Conservation, Ag

LEGISLATIVE
COMMITTEES:
WHERE THE
PUBLIC HAS A
“RIGHT TO
PARTICIPATE”

All bills are available on website

Bills are scheduled 3 days in advance and committee notices are posted on website

Bills are audio/video-streamed on website & broadcast on television

Minutes and recordings are made available on website and archived

The public may attend and speak as a proponent, opponent, or sometimes as an informational witness

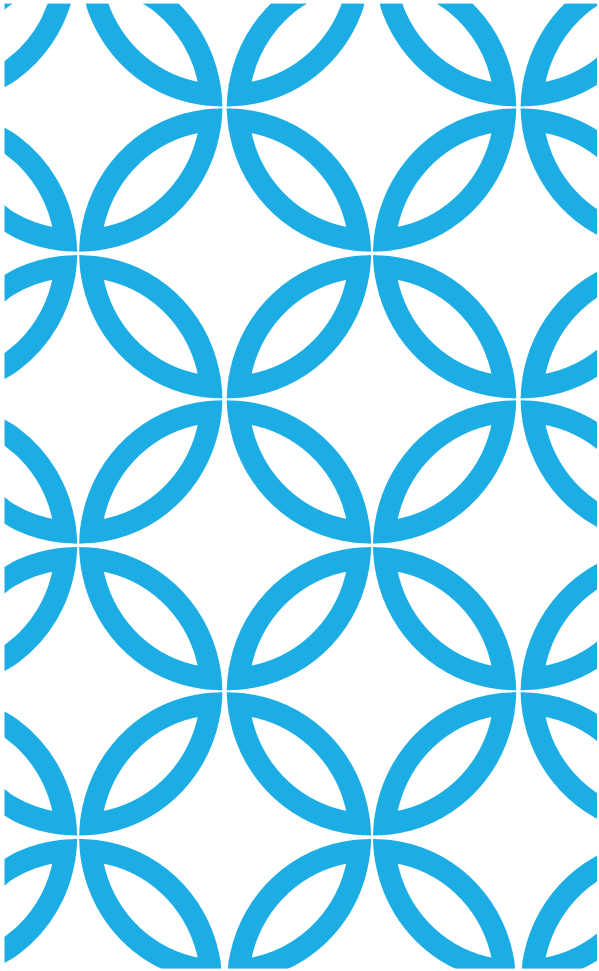
Votes are recorded and available in minutes on website

Staffed by attorney/researcher and secretary. Joint subcommittees staffed by fiscal analysts and budget analysts from Governor’s Budget Office. Amendments can be adopted.

Any amendments are “engrossed” into the bill before the bill goes to Second Reading

DEADLINES — BY LEGISLATIVE DAY

BILL TYPE	REQUEST	INTRODUCTION	1 st COMMITTEE ACTION	TRANSMITTAL
General Bill or Resolution	Day 12	Day 39	Day 40-41	Day 45
Committee Bills/Res	Day 36	None	Day 40-41	
Revenue Bills (R)	Day 17	Day 61	Day 63-64	Day 67
Committee Revenue Bills & Bills Proposing Referenda	Day 56	None	Day 63-64	
Appropriation (A)	Day 45	Day 61	Day 63-64	Day 67
Committee bills to implements Gen Appropriations Act (HB2)	Day 56	None	Day 63-64 *HB 2: Day 46-50/58-59	Day 67
Amendments: General Bills	n/a	Committee or 2 nd	Day 40-41	Day 73
Amendments: Appropriation	n/a	Committee or 2 nd	Day 63-64*	Day 80
Amendments: Revenue	n/a	Committee or 2 nd	Day 63-62	Day 80
Interim Study Resolutions	Day 60	Day 79	Day 75-76	Day 85



THANK YOU FOR YOUR SERVICE TO THE MONTANA LEGISLATURE!

We wish you safe travels!