



The Montana Legislature

January 31, 2020



I. Separation of Powers “Checks and Balances”

- ▶ Governor & constitutional officers - Elected
 - ▶ Proposes budget – Legislature adopts budget
- ▶ 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 Executive and Judicial Branches

- ▶ Executive Branch
 - ▶ Governor and Lieutenant Governor
 - ▶ 4 other Constitutional Officers
 - ▶ Secretary of State
 - ▶ Attorney General (Department of Justice)
 - ▶ State Auditor (Commissioner of Securities & Insurance)
 - ▶ Superintendent of Public Instruction/Board of Public Education (K-12)
 - ▶ Board of Regents (Higher Education)
 - ▶ 19 State Agencies & numerous boards
- ▶ Judiciary – Supreme Court, 22 District Courts, Justice & Municipal Courts



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, except Senate is elected based on population since the 1960's
- ▶ Senate – 50 members, represent approximately 18,000 – 20,000 population.
 - ▶ Secretary of the Senate and 50 session staff
- ▶ House – 100 members, represent approximately 9-10,000 population.
 - ▶ Chief Clerk of the House and 65 session staff
- ▶ Legislative Council & Legislative Services Division – 12 members including Leadership supported by 60.5 nonpartisan permanent staff and 16 session staff
- ▶ Legislative Finance Committee & Legislative Fiscal Division – 12 members supported by 19.5 nonpartisan permanent staff
- ▶ Legislative Audit Committee & Legislative Audit Division – 12 members supported by 52 nonpartisan permanent staff



II. A. Legislative Services Division

- ▶ All staff are nonpartisan and serves both chambers and both parties.
- ▶ Legal Office: provides legal support to legislators, staffs session and interim committees, bill drafting, codification and annotations of state statutes – Montana Code Annotated, administrative rule review, legal research for legislators
- ▶ Research Offices: provides research support to session and interim committees, manages interim committees, bill drafting, conducts interim studies, conducts research upon request by legislators, agency program monitoring
- ▶ Information Technology & Communications – computer system development, maintenance, and 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
- ▶ Other Central Services: Session Bill Processing, Session Print Shop, Session Information Office



Supports lawmaking and drafting legislation

- ▶ Bills amending statute, proposing referenda or constitutional amendments, simple or joint resolutions
 - ▶ Requested by legislators or committees
 - ▶ Agency bills through legislators or committees
 - ▶ Drafted by Legislative Services Division for consistency, plain language
 - ▶ Attorneys
 - ▶ Research Analysts
 - ▶ Editors
 - ▶ Document Processing
 - ▶ Heard in Standing Committees
- ▶ Bills appropriating money to state agencies
 - ▶ State budget submitted by Governor through Legislative Council
 - ▶ “Cat & dog bills” can be requested by legislators – appropriation accompanies related statutory changes
 - ▶ Drafted by/through Legislative Services Division
 - ▶ Analysis by Legislative Fiscal Division
 - ▶ Heard in Joint Subcommittees first, then by standing Approp/Finance committees for each chamber; Cat & dog bills may be heard in standing committees first and rereferred



B. Legislative Fiscal Division

- ▶ All staff is nonpartisan and serves both chambers and both parties.
- ▶ Administered by the Legislative Finance Committee which it staffs
- ▶ Oversight of agency budgets
- ▶ Analyzes the Governor's Budget in the fall before session – prepares the Budget Report for consideration by joint subcommittees, House Approps & Senate Finance and Claims
- ▶ Staffs House Appropriations and Senate Finance and Claims
- ▶ Monitors the General Fund status as bills go through session
- ▶ After session, prepares the Fiscal Report to explain the budget that the Legislature passed.
- ▶ Answers inquires regarding fiscal and budget information



C. Legislative Audit Division

- ▶ All staff is nonpartisan and serves both chambers and both parties.
- ▶ Administered by the Legislative Audit Committee which it staffs
- ▶ Provides legislative oversight in the form of audits:
 - ▶ Financial Compliance Audits of every agency every two years for federal Single Audit
 - ▶ Performance Audits of various agency programs – vary in scope and duration
 - ▶ Information Systems Audits of information technology in the agencies
- ▶ Administers the Waste, Fraud, and Abuse Hotline
- ▶ Provides information to legislators upon request

II. Legislative Process

How a Bill Becomes Law

Introduction in First Chamber– First Reading – Assigned to Committee

Committee Hearing

Second Reading – Debate & Vote

Third Reading – Final Vote

Transmits to Second Chamber

First Reading – Assigned to Committee

Second Reading – Debate & Vote

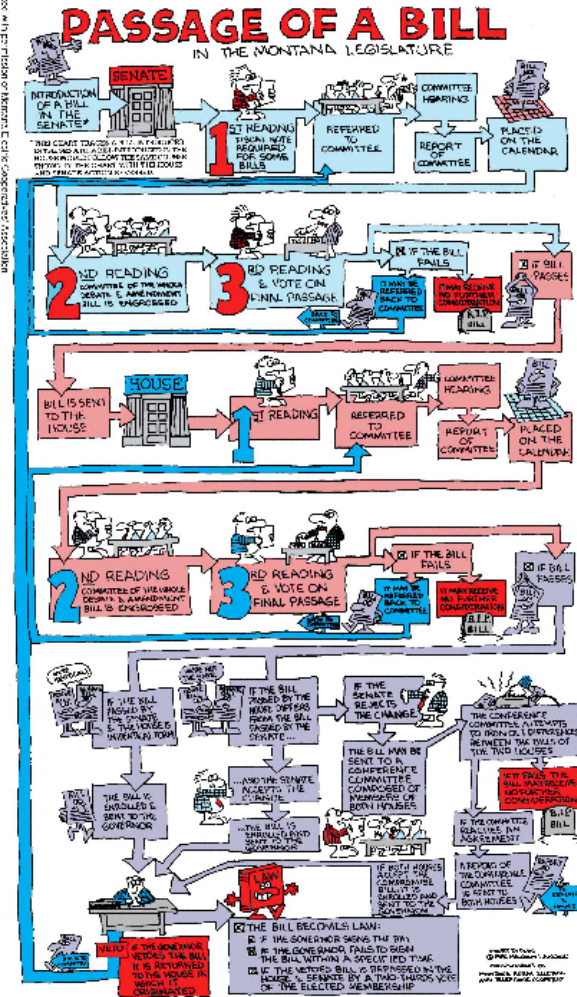
Third Reading – Final Vote

If amended – back to first chamber

If not – to Governor

Governor either w/in 10 days: lets become law, signs, amendatory veto, or veto

If vetoed returns to Legislature for consideration by both chambers.



IV. 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, Legislative 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 or 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 request for committee consideration.
- ▶ Adopted amendments are “engrossed” into the bill before the bill goes to Second Reading. (Amendments also allowed on Second Reading.)

V. Basics About Serving in the Legislature

- ▶ 2019 Session
 - ▶ Salary: \$92.46 day (floor session)
 - ▶ Per Diem: \$120.11 (every day unless 3-day break)
- ▶ 2019-2020 Interim
 - ▶ Salary: \$92.46 day
 - ▶ Meals: \$7.50, \$8.50, \$14.50
 - ▶ Mileage: .575/ mile <1,000
 - ▶ Lodging: Helena \$103 + taxes
Uses federal rates for standard or high cost cities
- ▶ Constituent Services: \$3,000 + 2nd amount (variable over 100 sq miles)
- ▶ 2021 Session
 - ▶ Election: November 3, 2020
 - ▶ Caucuses & Orientation: tent. November 18-20, 2020
 - ▶ 1st Day of Session: January 4, 2021
 - ▶ 90 days (avg. 87 days)
- ▶ In the past –
 - ▶ 1st three Saturdays off, work many, not all other Saturdays
 - ▶ Transmittal at Day 45 – 4- 5 Day Break
 - ▶ Easter weekend break – 3-4 days
 - ▶ Sine Die – last week in April



Information for Legislators

- ▶ Other legislators – find a mentor
- ▶ Caucus (mid-November)– time at which Speaker, President of the Senate and caucus leaders are elected.
- ▶ Orientation (mid-November with Caucus) – open to all legislators, conducted by staff
- ▶ Topics include:
 - ▶ Bill Drafting
 - ▶ Committee & Floor Session Training
 - ▶ Electronic Communications – provided with email account and information on records retention and public records requests
 - ▶ Staff Services – about the divisions, IT Support, etc.
- ▶ Other Pre-Session meetings, trainings (December)
 - ▶ Rules Committees
 - ▶ Presiding Officer Training
 - ▶ In the past held budget training
- ▶ First week of Session:
 - ▶ Rules Training, Law School for Legislators, Prevention of Harassment & Discrimination, Standing & Budget Committee



Session Resources

- ▶ Session Information Desk (1st Floor) Receives email (webform) & phone messages which are delivered to legislators desks on the floor or electronic option
- ▶ Permanent Staff - Legislative Services and Fiscal Division primarily – bill drafting and committee support – research requests as time allows
- ▶ Session Staff – temporary staff hired for session: Chief Clerk and Secretary of the Senate, Sergeants-at-Arms, committee secretaries, bills clerks, amendment coordinator, journal clerk, voting/reading clerks
- ▶ Session Print Shop – bills and fiscal notes, Rule Books available to public and delivered to legislators for committee or floor action
- ▶ All committee hearings streamed from the legislative website (audio and/or video) and Broadcast on Cable channel 191 or MTPBS.



Legislative Website

- Go to: leg.mt.gov
- Resources for the public and legislators
 - Laws and Bills
 - Legislative Rosters and How to Contact Legislators
 - Watch & Listen
 - Committees
 - Reference
 - Contact
 - And more...Tools for Legislators, Revenue & Budget, Orientation materials 2019-20



Thank you for your interest in
the Montana Legislature!

We wish you safe travels!

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