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 inquiries 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
  - 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](http://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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