A LEGISLATOR'S HANDBOOK 2013

17th Edition
November 2012

Published by
Montana Legislative Services Division
State Capitol, Room 110
PO Box 201706
Helena, MT 59620-1706
(406) 444-3064
leg.mt.gov

TABLE OF CONTENTS

Chapter 1: Introduction 1

Chapter 2: Government in Montana 2
- Introduction 2
- Three Branches of State Government 2
- Federal Government 4
- Tribal Governments 5
- Local Governments 6

Chapter 3: Organization and Services of the Legislative Branch 7
- Introduction 7
- Senate 7
- House of Representatives 9
- Legislative Council 11
- Legislative Services Division 12
- Legislative Audit Committee 15
- Legislative Audit Division 15
- Legislative Finance Committee 17
- Legislative Fiscal Division 17
- Consumer Counsel 19

Chapter 4: Legislators 20
- Introduction 20
- Representation 20
- Qualifications 21
- Privileges 21
- Duties 22
- Accountability 24

Chapter 5: Organizing the Montana Legislature 25
- Introduction 25
- Election of Members 25
- Legislative Sessions 25
- Caucuses 26
- Presession Organization 27
- Convening the Senate 27
- Convening the House of Representatives 28

Chapter 6: Legislative Procedures 29
- Introduction 29
- Montana Constitution 29
- Montana Statutes 32
- Rules of the Montana Legislature 32
- Tradition 32

Mason's Manual of Legislative Procedure 33
Committee Procedural Rules 33
Interpretation by the Judicial Branch 33
Attorney General's Opinions 34
Learning the Rules: Tips and Concepts 35

Chapter 7: Making Public Policy Through Bills and Resolutions 37
Introduction 37
Overview of Bills and Resolutions 37
Requirements for Bills: Tips for Legislators 38
The Drafting Process: From Idea to Introduction 39
Request to Introduction: Step-by-Step 43
How a Bill Becomes a Law 44
The Appropriation Process 51
How to Read a Bill 53
Information About Bills: Fiscal Notes and Other Statements 54
Codification and Publication of Laws 56

Chapter 8: Standing Committees 58
Introduction 58
Role of Committees 58
Standing Committees of the Montana Legislature 58
Roles of Officers and Staff 60
Rules of Procedure 61
Committee Meetings 62
Hearings 62
Executive Action on Bills 64
Committee Action and Recommendation 65
Other Committee Activities 66
Committee Reports and Minutes 68

Chapter 9: Floor Sessions of the Senate and House of Representatives 70
Introduction 70
Senate Floor Sessions 70
House of Representatives Floor Sessions 74
Journals 79

Chapter 10: Participants in the Process 81
Introduction 81
Influence and Information 81
Citizens 82
Lobbyists 82
Executive Branch Employees 83
News Media 84
Bringing the Legislature to the Citizen: TVMT 85

Chapter 11: Getting Paid and Other Important Details 86
Introduction 86
Compensation and Benefits 86
Administrative Nuts and Bolts 89

Chapter 12: Interim Activities 92
Introduction 92
Interim Committees 92
Interim Studies 93
Information Requests 94

Chapter 13: Information Centers 95
Introduction 95
Legislative Communications Office 95
Session Information Desk 95
Legislative Branch Website 96
Legislative Reference Center 97
Montana State Library 98
State Law Library 99
Montana Historical Society Research Center 99
Census and Economic Information Center 99

APPENDIX A: RESOURCES 100
General Resources 100
Supplemental Resources by Chapter 101

APPENDIX B: GLOSSARY OF COMMONLY USED TERMS 109

APPENDIX C: ACRONYMS 114

APPENDIX D: COLORS FOR PRINTING OF BILLS, RESOLUTIONS, AND NOTES 117

INDEX 118

FIGURES AND TABLES

Figure 2-1. Indian Reservations and Tribal Governments in Montana 6
Figure 3-1. Legislative Services Division Organizational Chart 13
Figure 3-2. Legislative Audit Division Organizational Chart 16
Figure 3-3. Legislative Fiscal Division Organizational Chart 19
Table 6-1. Constitutional Extraordinary Vote Requirements 31
Figure 7-1. Flow Chart of the Legislative Process 45
Figure 7-2. Joint Appropriations Subcommittees 52
Table 8-1. Standing Committees of the 62nd Legislature 59
Table 8-2. Motions for Committee Action on Bills and Resolutions 66

CHAPTER 1: INTRODUCTION

A Legislator's Handbook 2013 presents information of value to new legislators and veteran legislators as they prepare for and participate in the regular session of the 63rd Legislature.

The handbook provides general information to create a foundation for understanding how the Montana Legislature works. It is not a comprehensive digest of statutes, rules, or other applicable provisions. Exceptions to general requirements and provisions that are not often implemented are not generally noted. Legislators are advised to consult the actual laws and rules to determine specific requirements. This is easily done using the indexes that are published with the Montana Code Annotated (MCA) and the *Rules of the Montana Legislature*.

Much of the information presented in this handbook is based on the rules that were adopted for the 62nd Legislature. New rules will be adopted for the 63rd Legislature and may be different from those rules. Legislators are advised to review the resolutions containing the rules for the 63rd Legislature. Proposed revisions in the introduced resolutions are indicated by stricken and underlined text; consequently, changes to the rules are easily identified.

This handbook represents the "tip of the iceberg" with respect to informational resources that are available to legislators. Appendix A presents general resources as well as supplemental resources for various chapters of the handbook.

Some of the terms and acronyms used in this handbook may be unfamiliar to the reader. Appendix B contains a glossary of commonly used terms and Appendix C contains a guide to acronyms.

CHAPTER 2: GOVERNMENT IN MONTANA

Introduction

There are many governments operating in Montana. This chapter describes and discusses the authority of the three branches of state government, the federal government, Indian tribes, and local governments.

Three Branches of State Government

The Montana Constitution provides for three distinct branches of state government. The three branches of government and their general functions are:

- the Legislative Branch, which sets public policy through laws and appropriations;
- the Executive Branch, which implements laws; and
- the Judicial Branch, which settles disputes arising from the interpretation or application of laws.

Furthermore, the constitution prohibits one branch from exercising the power of the other branches, except when the constitution expressly directs or permits this exercise of power. This concept is referred to as "separation of powers".

The application of this important constitutional provision may not be as clear as this simplistic summary indicates. For example, the Legislature may delegate rulemaking power to state agencies. Once adopted, these rules have the force of law. This delegation of power is valid if the Legislature provides sufficient statutory standards and criteria to guide the Executive Branch agency. Delegation of rulemaking authority without sufficient guidelines is an unlawful delegation of power.

Legislative Branch

The Legislature is a body of elected persons that has the power to enact laws, levy taxes, and appropriate money. The Montana Legislature is bicameral and is composed of 50 senators and 100 representatives. The Senate has the power to confirm appointments made by the Governor, such as the appointment of agency directors.

The Legislature also has impeachment powers. The House of Representatives may accuse certain officials of felonies, misdemeanors, or malfeasance in office. The Senate may try and convict these officials and require that the officials be suspended or removed from office.

There are limits on the power of the Legislature. The Legislature may not exercise the powers of the other branches of state government. For example, the Legislature generally may not interfere with the Executive Branch in the purely administrative aspects of carrying out the

law, such as imposing a hiring freeze or making specific staffing and resource allocation decisions.

Legislative power and responsibility may not be abdicated to private organizations or the federal government. The organization and services of the Legislative Branch are described in more detail in Chapter 3.

Executive Branch

The Executive Branch includes elected officials and agencies under the jurisdiction of these officials. Article VI, section 7, of the Montana Constitution provides for no more than 20 principal departments, and Article X, section 9, provides for the 3 boards of education. Elected officials and the agencies under their jurisdiction are described below.

- **Governor.** There are 14 principal departments established in state law whose heads are appointed by the Governor. There are three boards established in the Montana Constitution that are under the authority of the Governor, which include the board of education composed of the board of regents of higher education and the board of public education. In addition, there are numerous additional boards, councils, commissions, and other entities established by law. These are attached to a department or board for administrative purposes.
- **Lieutenant Governor.**
- **Secretary of State.**
- **Attorney General.** The Attorney General is the head of the Department of Justice.
- **State Auditor.** The State Auditor serves as the Commissioner of Insurance.
- **Superintendent of Public Instruction.** The Superintendent of Public Instruction supervises the Office of Public Instruction.
- **Public Service Commission.** The Public Service Commission functions as the department head for the Department of Public Service Regulation.

Judicial Branch

The judicial power of the State of Montana is vested in the following:

- the Supreme Court, consisting of a Chief Justice and six Associate Justices;
- the District Courts;
- the Workers' Compensation Court;
- the Water Court; and
- the courts of limited jurisdiction, which include Justices' Courts, Municipal Courts, and City Courts.

Unlike most state court systems and the federal judiciary, Montana does not have an intermediate appellate court. Consequently, the Supreme Court hears direct appeals from all of the District Courts across Montana, as well as from the Workers' Compensation Court and the Water Court. Because people have a right to an appeal and there is no intermediate appellate court to which Montanans may

appeal, the Montana Supreme Court does not have discretion to turn down appeals; it must take them all and resolve them.

BECAUSE THERE IS NO INTERMEDIATE APPELLATE COURT IN MONTANA, THE MONTANA SUPREME COURT DOES NOT HAVE DISCRETION TO TURN DOWN APPEALS; IT MUST TAKE THEM ALL AND RESOLVE THEM.

The Montana Constitution also vests the Supreme Court with original jurisdiction. Original jurisdiction may be asserted via habeas corpus applications from inmates and petitions for supervisory control over District Courts in cases still pending there. The Supreme Court also may exercise original jurisdiction in a case that has not been through a District Court if there are no facts in dispute and the case presents only legal or constitutional questions. An example of a case in recent years in which the Montana Supreme Court had accepted original jurisdiction of this type was the challenge to term limits.

The Montana Supreme Court has other duties, including lawyer discipline and revisions of various rules, such as the Montana Rules of Civil Procedure, the Montana Rules of Appellate Procedure, the Rules of Professional Conduct that apply to Montana lawyers, and the Rules of Lawyer Disciplinary Enforcement that govern lawyer discipline cases. On occasion, the Montana Supreme Court also must determine whether to impose judicial discipline as recommended by the Judicial Standards Commission. In addition, the Supreme Court, as part of the state assumption of District Court funding, must adopt a personnel plan for the Judicial Branch. The Chief Justice also chairs the District Court Council, created by the Legislature to implement and administer the state-funded District Court program.

The Clerk of the Supreme Court keeps all Supreme Court records, maintains the court's docket, and performs other administrative tasks.

The Court Administrator is the chief administrative staff person for the judiciary. Answerable to all seven justices of the Supreme Court, the administrator executes the day-to-day administrative operations of the Supreme Court, including some administrative matters concerning District Courts and courts of limited jurisdiction.

Federal Government

Under the supremacy clause of the U.S. Constitution, any act of Congress that is not itself in violation of the U.S. Constitution may not be contravened by a state legislature. The U.S. Constitution also places certain direct limitations upon the states. For example, compacts between states require congressional consent. The federal government sometimes encourages the states to adopt or comply with certain laws by withholding

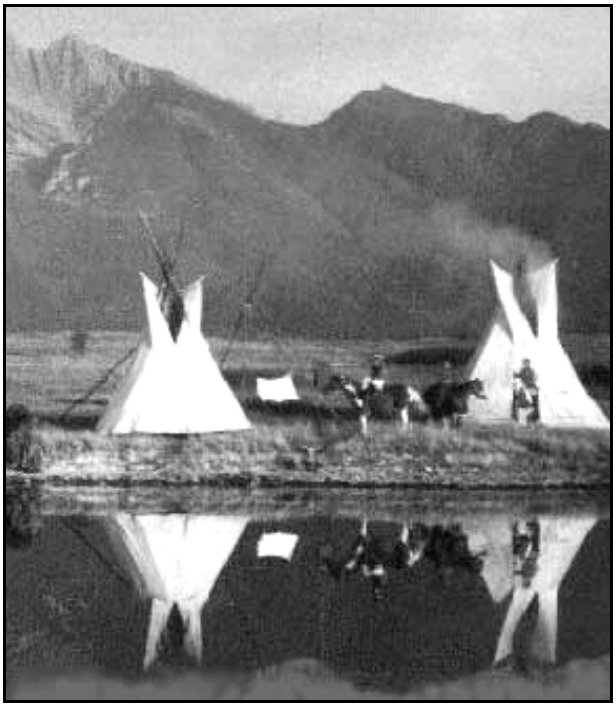
federal funds if a state does not comply with a federal requirement.

ANY ACT OF CONGRESS THAT IS NOT ITSELF IN VIOLATION OF THE U.S. CONSTITUTION MAY NOT BE CONTRAVENED BY A STATE LEGISLATURE.

Tribal Governments

Although Montana is home to seven reservations, the state has eight tribal governments (see **Figure 2-1**). Indian tribes have the right to develop their own form of government and to establish their own civil and criminal laws; jurisdiction is often shared among federal, tribal, and state governments. Tribal courts adjudicate the laws of tribal governments.

The U.S. Constitution gives plenary authority over Indian tribes to the federal government, not the states. As a result, the federal government has a trust responsibility to fulfill treaty commitments that are unique to Indians and Indian tribes. The Montana Constitution explicitly acknowledges that all lands owned or held by any Indian or Indian tribe are under the absolute jurisdiction and control of the U.S. Congress. With rare exceptions, a state has jurisdiction within a reservation only to the extent that Congress has delegated specific authority to the state or in situations in which neither federal nor tribal law preempt state law.



Mission Mountain Encampment
Photo courtesy of Monte Marengo

The Legislature established the Office of Indian Affairs, which is administratively attached to the Governor's Office. The director is charged with carrying out the legislative policy regarding Indian affairs, which is established in section 90-11-101, MCA. One element of the legislative policy is a declaration that "the best interests of Montana Indian tribes will be served by engaging in government-to-government relationships designed to recognize the rights, duties, and privileges of full citizenship that Indians are entitled to as citizens of this state". Dealing with tribal governments on a government-to-government basis means that a dialogue is initiated between governing bodies rather than interacting with tribal governments as if they were special interest groups.

Under the State-Tribal Cooperative Agreements Act (Title 18, chapter 11, MCA), state agencies may enter into agreements with tribal governments to administer regulations and programs and to promote cooperation between state agencies and tribal governments in mutually beneficial activities and services. For example, since 1990, the state has had a cooperative agreement with the Confederated Salish and Kootenai Tribes regarding fish and wildlife management on the Flathead Reservation.

Figure 2-1. Indian Reservations and Tribal Governments in Montana

Blackfeet Reservation
Crow Reservation
Flathead Reservation
Fort Belknap Reservation
Fort Peck Reservation
Northern Cheyenne Reservation
Rocky Boy's Reservation
Little Shell Band of Chippewa*

*The Little Shell Band of Chippewa has a tribal government but does not have a reservation. It has sought, but not received, federal recognition.

Local Governments

Local governments, such as counties and incorporated cities and towns, are legal creations of the state. The powers of local governments are derived from the state's constitution and statutes. Under the Montana Constitution, there are two basic types of local governments: governments with general powers and governments with self-governing powers.

Local governments with self-governing powers are those that have adopted a self-governing charter under Montana law. In general, local governments with general powers have those powers that are expressly or implicitly granted by the Montana Legislature. Local governments with self-governing powers have those powers that are not specifically denied by Montana law or the individual government's charter.

CHAPTER 3: ORGANIZATION AND SERVICES OF THE LEGISLATIVE BRANCH

Introduction

The following entities of the Legislative Branch are consolidated into a single administrative organization in order to provide efficient and effective service:

- the **Senate;**
- the **House of Representatives;**
- the **Legislative Services Division** and **Legislative Council**;
- the **Legislative Fiscal Division** and **Legislative Finance Committee**; and
- the **Legislative Audit Division** and **Legislative Audit Committee.**

Organizational information and services provided by each of these entities are described in this chapter. The constitutional office of the Consumer Counsel is governed by a committee of legislators and is also described in this chapter.

Senate

Senators are elected to fill the offices described below.

President of the Senate

The President of the Senate is the chief administrative officer for the Senate.

The President of the Senate:

- presides over the Senate, maintains order, and decides questions of order and privilege;
- approves the daily calendar;
- is ultimately responsible for administration, budget approval, and management of the Senate and its staff;
- certifies legislative acts and records as required; and
- carries out responsibilities related to bills and resolutions, including referral to committees and the request for fiscal notes and other statements.

- **President Pro Tempore of the Senate**

The President Pro Tempore of the Senate performs the duties of the President of the Senate when the President is absent or disqualified.

- **Senate Majority Floor Leader**

The Senate Majority Floor Leader is the lead speaker in floor debate. The Senate Majority Floor Leader makes procedural motions during floor sessions and assists the President of the Senate with monitoring the progress of and scheduling of bills and with policy and position development. The Senate Majority Floor Leader is an ex officio member of all committees and, if present, may be counted toward establishing a quorum.

- **Senate Minority Floor Leader**

The Senate Minority Floor Leader is the minority party's leader in the Senate and develops the minority position and negotiates with the majority party. The Senate Minority Floor Leader is an ex officio member of all committees and, if present, may be counted toward establishing a quorum.

- **Party Whips**

Each party also has one or more whips. The whips are responsible for ensuring that members are present at moments of importance to the party and for other duties related to helping the party accomplish its goals and further its positions. Absentee vote forms may be submitted to a party whip.

Montana Capitol, Senate Chambers

The following are staff officers of the Senate who are appointed by the President of the Senate, subject to confirmation by the Senate.

Secretary of the Senate

The major responsibilities carried out by the Secretary of the Senate or the Secretary's staff include:

- receiving, tracking, and transmitting bills and resolutions and related documents;
- preparing the daily calendar and organizing floor business at the direction of the President of the Senate;
- keeping records, including records of votes;
- hiring and supervising most Senate employees;
- directing the work of committee secretaries; and
- providing clerical services.

Sergeant at Arms

The primary responsibilities of the Sergeant at Arms of the Senate are:

- maintaining order as directed by the President of the Senate or the presiding officer;
- providing safety and facility services for the Senate;
- supervising pages;
- regulating access to the Senate Chamber;
- administering and enforcing parking space requirements for areas under the control of the Senate; and
- purchasing and distributing supplies and equipment for the Senate.

The Sergeant at Arms of the Senate supervises employees assigned to the office of the Sergeant at Arms to carry out these duties.

House of Representatives

Representatives are elected to fill the offices described below.

Speaker of the House

The Speaker of the House is the chief administrative officer for the House of Representatives. The Speaker of the House:

- presides over the House of Representatives, maintains order, and decides questions of order;
- is ultimately responsible for administration, budget approval, and management of the House of Representatives and its staff;
- certifies legislative acts and records as required;
- carries out responsibilities related to bills and resolutions, including referral to committees and the request for fiscal notes and other statements;
- sets the agendas for second and third reading;

- makes committee appointments, except for the Rules Committee; and
- is an ex officio member of all committees and, if present, may be counted toward establishing a quorum.

Speaker Pro Tempore of the House

The Speaker Pro Tempore of the House presides over the House of Representatives in the absence or inability of the Speaker of the House and carries out other duties assigned by the Speaker.

Montana Capitol, House Chambers

House Majority Floor Leader

The House Majority Floor Leader is the lead speaker in floor debate. The House Majority Floor Leader makes procedural motions during floor sessions and assists the Speaker of the House with monitoring the progress of and scheduling of bills and with policy development. The House Majority Floor Leader is an ex officio member of all committees and, if present, may be counted toward establishing a quorum.

House Minority Floor Leader

The House Minority Floor Leader is the minority party's leader in the House of Representatives and develops the minority position, negotiates with the majority party, and makes recommendations for the assignment of minority committee members and minority vice presiding officers. The House Minority Floor Leader is an ex officio member of all committees and, if present, may be counted toward establishing a quorum.

Party Whips

Each party also has one or more whips. The whips are responsible for ensuring that members are present at moments of importance to the party and for other duties related to helping the party accomplish its goals and further its positions. Absentee vote forms are submitted to a party whip.

The following are staff officers of the House of Representatives who are appointed by the Speaker of the House, subject to confirmation by the House.

Chief Clerk of the House

The major responsibilities carried out by the Chief Clerk of the House or the Chief Clerk's staff include:

- receiving, tracking, and transmitting bills and resolutions and related documents;
- assisting the speaker in preparing the daily calendar and organizing floor business at the direction of the Speaker of the House;
- keeping records, including records of votes;
- supervising all employees of the House of Representatives;
- directing the work of committee secretaries; and
- providing clerical services.

Sergeant at Arms

The primary responsibilities of the Sergeant at Arms of the House of Representatives are:

- maintaining order as directed by the Speaker of the House or the Chief Clerk of the House;
- providing safety and facility services for the House of Representatives;
- supervising pages;
- regulating access to the House Chamber;
- administering and enforcing parking regulations in areas under the control of the House of Representatives; and
- purchasing and distributing supplies and equipment for the House of Representatives.

The Sergeant at Arms of the House of Representatives supervises employees assigned to the office of the Sergeant at Arms to carry out these duties.

Legislative Council

The Legislative Council is a 12-member, bipartisan, bicameral, statutory committee of the Montana Legislature.[1] The legislators in the following leadership positions must serve unless they are approaching the end of their term: President of the Senate, Speaker of the House, and minority leaders from each house. Legislators in these positions who will not serve in the following legislative session because of term limits may designate another member to serve on the Council in their place.

The Legislative Council oversees the activities of the Legislative Services Division. Selected duties of the Legislative Council include the following:

- adopting personnel management, classification, and pay policies for Legislative Branch employees, with

[1] In general, statutory legislative committees have equal numbers of senators and representatives. The law usually limits the number of committee members from each house that belong to a single political party to half of the members from each house. Each committee will include equal numbers of legislators from the majority party and the minority party or party with the second highest number of legislators.

the concurrence of the Legislative Finance and Legislative Audit Committees;

- establishing time schedules and deadlines for work conducted by interim committees;
- assigning interim studies and issues of statewide importance that arise during the interim to interim committees;
- approving the computer system plan for the Legislative Branch;
- administering the legislative intern program;
- overseeing publication of the MCA and supervising the Code Commissioner's work;
- appointing legislators to serve as members of appropriate interstate, international, and intergovernmental entities; and
- submitting a budget proposal for the administratively consolidated Legislative Branch entities.

Legislative Services Division

The Legislative Services Division acts as an independent, nonpolitical, impartial agency for the Legislature. The Executive Director manages the Legislative Services Division. The staff of the Legislative Services Division is organized into functional offices as illustrated in **Figure 3-1**.

The mission of the Legislative Services Division is to provide objective, nonpartisan research, reference, legal, technical, information technology, communications, and administrative support services to the Senate, House, and other divisions of the Legislative Branch in support of effective and efficient operation of the Legislative Branch and to support the mission of the Legislative Council.

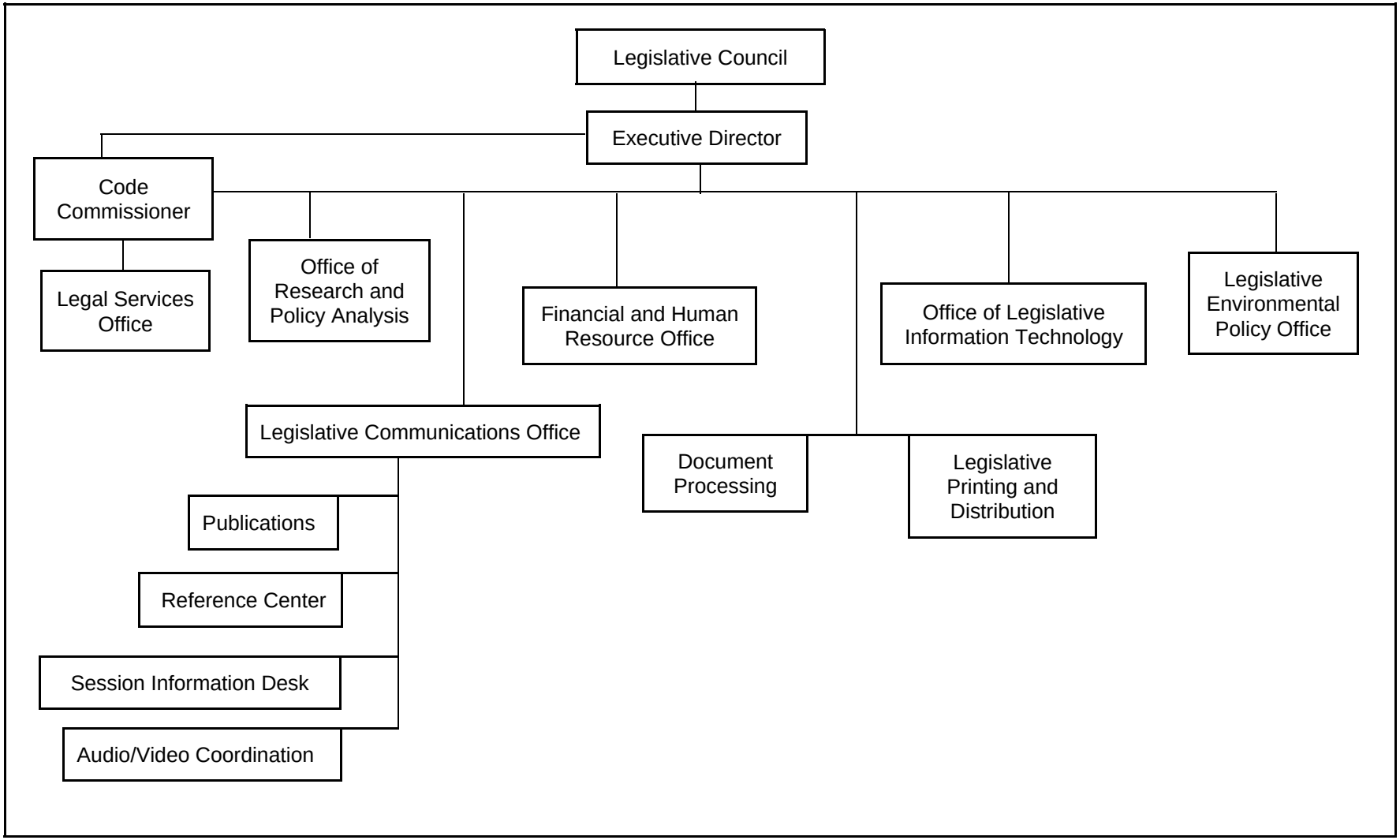
THE MISSION OF THE LEGISLATIVE SERVICES DIVISION IS TO PROVIDE OBJECTIVE, NONPARTISAN RESEARCH, REFERENCE, LEGAL, TECHNICAL, INFORMATION TECHNOLOGY, COMMUNICATIONS, AND ADMINISTRATIVE SUPPORT SERVICES TO THE SENATE, HOUSE, AND OTHER DIVISIONS OF THE LEGISLATIVE BRANCH.

Division services are summarized below.

Legislation

- drafting bills and resolutions and amendments to proposed legislation;
- providing legal review of bills and resolutions before introduction;
- editing, proofreading, and assembling bills and resolutions for introduction;
- engrossing and enrolling bills and resolutions; and
- reviewing the text of proposed ballot measures for clarity, consistency, and conformity with the *Bill Drafting Manual.*

Figure 3-1. Legislative Services Division Organizational Chart



- **Publication and Distribution**

  - preparing, publishing, and distributing the *Montana Legislative Review,* session laws, text and annotations of the Montana Code Annotated (MCA), *History and Final Status* for each legislative session, Legislative Services Division reports and documents, and other legislative information; and
  - printing and distributing *Rules of the Montana Legislature*, bills, fiscal notes, resolutions, journals, and other legislative information.

- **Research and Reference**

  - providing legislative research and reference services and maintaining a collection of reference materials; and
  - providing interlibrary loan services to legislators and staff.

- **Legal**

  - providing legal opinions to legislators regarding issues of state law; and
  - providing legal services to the Legislative Branch consolidated entities.

- **Management and Business Services for Legislative Branch Consolidated Entities**

  - preparing and monitoring budgets;
  - processing reimbursement claims and payrolls;
  - purchasing supplies and equipment and maintaining property inventories; and
  - providing personnel and administrative services.

- **Committee Services**

  - providing research, legal, and administrative staff support for the Legislative Council, the Environmental Quality Council, the Districting and Apportionment Commission, and statutory interim committees;
  - providing research and project management for interim studies;
  - providing technical staff support for the Legislative Branch Computer System Planning Council; and
  - providing research and legal services for legislative standing and select committees.

- **Public Education and Information**

  - providing information about the Legislature and legislative process to the public;
  - helping to train and educate legislators about staff services and the legislative process;
  - serving as a liaison for media seeking information about the legislative process and institution;
  - producing and distributing educational information via printed publications and the legislative website for legislators and the public;

- relaying messages from the public to legislators during sessions;
- broadcasting legislative meetings; and
- coordinating communications services.

Information Technology

- planning, developing, and maintaining the computer network and applications for the Legislative Branch; and
- developing and maintaining systems to provide public access to legislative information online.

Legislative Audit Committee

The Legislative Audit Committee is a 12-member, bipartisan, bicameral, statutory committee of the Montana Legislature. The establishment of a committee to oversee auditing duties is mandated by the Montana Constitution. The primary functions of the Legislative Audit Committee include the following:

- appointing, consulting with, and advising the Legislative Auditor;
- reviewing audit reports and releasing audit reports to the public; and
- serving as a conduit between the Legislative Auditor and the Legislature.

Legislative Audit Division

The Legislative Auditor manages the Legislative Audit Division. The Legislative Audit Division conducts independent audits and provides factual and objective information to the legislative, judicial, and executive managers of the public trust.

The Legislative Audit Division operates a toll-free telephone "Fraud Hotline" that enables state employees and the public to report improper acts committed by state departments, agencies, or employees.

THE LEGISLATIVE AUDIT DIVISION PROVIDES FACTUAL AND OBJECTIVE INFORMATION TO THE LEGISLATIVE, JUDICIAL, AND EXECUTIVE MANAGERS OF THE PUBLIC TRUST.

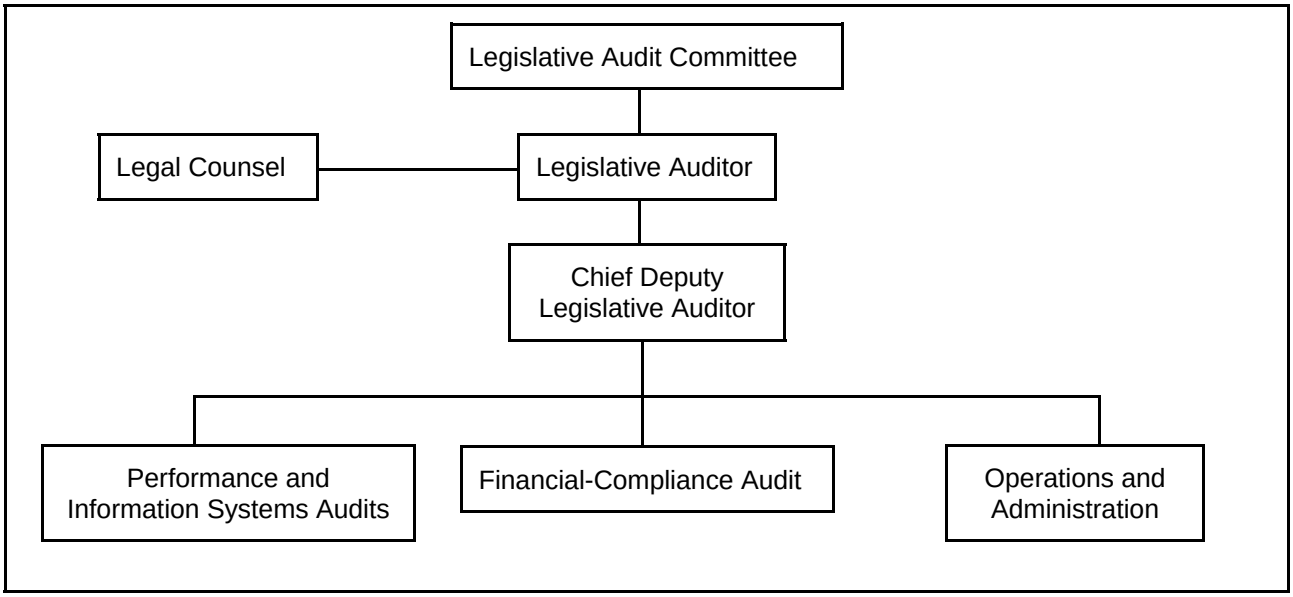
The goals of the Legislative Audit Division are listed below.

- provide the Montana Legislature and state agency directors and program managers with independent information regarding whether state agencies:
  - conduct only those activities and programs authorized by the Legislature;
  - conduct programs effectively and efficiently;

- make expenditures only in accordance with applicable laws and regulations;
- collect and account properly for all revenue and receipts; and
- adequately safeguard and control assets;
- make comments, recommendations, and suggestions for the improvement of state agency operations and activities; and
- provide assistance when requested by the Legislature, its committees, or its members.

The organizational structure of the Division is illustrated in **Figure 3-2**.

Figure 3-2. Legislative Audit Division Organizational Chart



The types of audits conducted are summarized briefly below.

■ Financial-Compliance

The financial-compliance audit staff perform audits of state agencies and local governments in accordance with applicable audit standards to determine whether an entity's financial operations are properly conducted, the financial reports are presented fairly, and the entity has complied with applicable laws and regulations. During each fiscal year, financial-compliance audit staff also complete work on legislative requests, special projects, and identified or suspected fraudulent activities affecting federal or state agencies.

■ Performance and Information Systems

Performance audits include effectiveness and efficiency audits and program audits.

Program audits help to determine whether a program is achieving the desired results or benefits established by the Legislature, is efficient, and is complying with applicable laws and rules. Performance audits may also be required by statute.

In selecting and prioritizing the agencies or programs for audit, the Legislative Auditor shall consider the financial, operational, and technological risks associated with meeting its intended purpose, goals, objectives, and legal mandates. To aid in identifying agencies and programs for audit, the Legislative Audit Committee requests that the Governor, the Board of Regents, and the Judiciary furnish any recommendations within their respective jurisdictions to be considered for audit.

Legislative Finance Committee

The Legislative Finance Committee is a 12-member, bipartisan, bicameral, statutory committee of the Montana Legislature that meets during the interim to review fiscal issues. Four members must serve on the Senate Finance and Claims Committee, and four members must serve on the House Appropriations Committee.

The primary functions of the Legislative Finance Committee are summarized below.

- appointing, consulting with, and advising the Legislative Fiscal Analyst;
- before each legislative session, making recommendations to the Senate Finance and Claims Committee and the House Appropriations Committee regarding certain budget issues;
- reviewing dedicated revenue provisions and reporting recommendations to the Legislature;
- reviewing and commenting on budget amendments, reductions in spending, proposed supplemental appropriations to transfer appropriations between fiscal years of a biennium, operating budget changes, and program transfers;
- receiving reports on specific state financial matters;
- monitoring information technology policies of the Department of Administration and providing written comment on proposed policy changes; and
- identifying information technology issues likely to require future attention.

Legislative Fiscal Division

The Legislative Fiscal Analyst manages the Legislative Fiscal Division. The Legislative Fiscal Division is committed to enhancing the legislative process through understandable and objective fiscal policy analysis and information.

The Division staff serve two main functions that are described below.

■ Revenue Estimation and Tax Policy Analysis

Division staff provide an objective, impartial estimation of state revenue during the legislative session and throughout the interim. Staff also analyze all bills impacting tax policy and collections during the legislative session, assist the tax committees of each house, assist the Revenue and Transportation Interim Committee, and conduct tax policy research.

Staff in this section specialize in various areas of revenue estimation, including estimation of K-12 school aid (the Base Amount for School Equity, or BASE, funding program).

THE LEGISLATIVE FISCAL DIVISION IS COMMITTED TO ENHANCING THE LEGISLATIVE PROCESS THROUGH UNDERSTANDABLE AND OBJECTIVE FISCAL POLICY ANALYSIS AND INFORMATION.

■ Expenditure Analysis

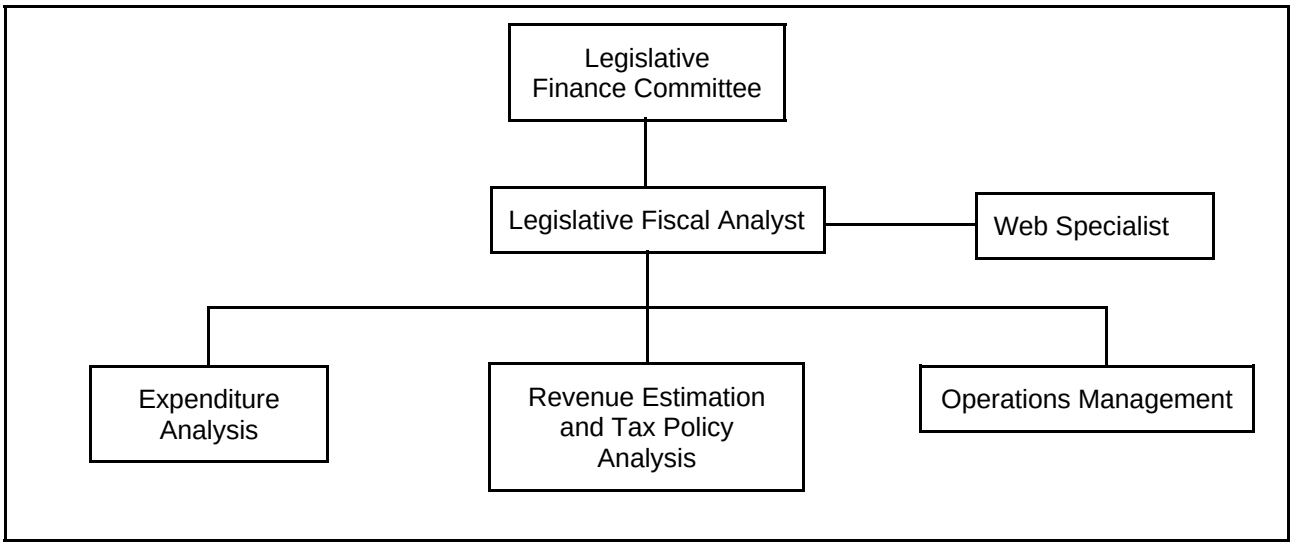
Division staff provide objective, impartial analysis of state agency operations and expenditures during the legislative session and throughout the interim. Fiscal analysts staff appropriations subcommittees, write the general appropriations bill, and conduct other fiscal research as required or requested.

Each analyst in this section specializes in the operations and budgets of a group of state agencies. Analysts in this section can answer questions about individual agencies and their budgets, as well as general budgeting and appropriation questions.

The organizational structure of the Legislative Fiscal Division is illustrated in **Figure 3-3**. The responsibilities of the Legislative Fiscal Division are presented below.

- provide support to the Legislative Finance Committee;
- provide fiscal analysis of state government, including accumulating, compiling, analyzing, providing information, and studying economic factors and efficiency in state government;
- estimate existing tax and proposed tax revenues;
- analyze the executive budget and budget requests of selected state agencies, including proposed capital improvements;
- make reports and recommendations to the Legislature that the Legislative Finance Committee considers desirable and make reports and recommendations requested by the Legislative Finance Committee and the Legislature;
- assist legislative committees and individual legislators in compiling and analyzing financial information; and
- assist the Revenue and Transportation Interim Committee in revenue estimation.

Figure 3-3. Legislative Fiscal Division Organizational Chart



Consumer Counsel

The Legislative Consumer Committee appoints the Consumer Counsel, a position required by the Montana Constitution. The four-member committee meets at least quarterly to advise and consult with the Consumer Counsel.

Activities of the Consumer Counsel are described below.

- representing Montana consumers in utility and transportation proceedings before the:
  - Montana Public Service Commission;
  - Federal Energy Regulatory Commission;
  - Interstate Commerce Commission;
  - Federal Communications Commission; and
  - other federal administrative agencies;
- representing Montana consumers in appropriate state and federal court proceedings;
- monitoring proposed legislation and participating in the legislative process before the Montana Legislature and the U.S. Congress on behalf of Montana consumers; and
- participating in activities that will help to develop competitive markets in restructured utility industries.

The office is funded by fees assessed on regulated companies.

CHAPTER 4: LEGISLATORS

> Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.
>
> --Henry Clay

Introduction

A representative democracy is a system of government in which power is held by the people and exercised through elected representatives. As elected representatives, Montana's legislators play a key role in our government. The general responsibilities of Montana's legislators are summarized below.

- support, protect, and defend the U.S. and Montana Constitutions;
- serve the constituents living in the district;
- serve the citizens of the state as a whole;
- act as a liaison between constituents and state government;
- study, discuss, request, and vote on proposed legislation;
- create, amend, and repeal state laws and programs;
- allocate state resources to agencies and programs;
- ensure that laws are carried out according to the intent of the Legislature;
- oversee the work of state agencies; and
- act as a balance to the Executive and Judicial Branches of government.

In carrying out all these duties, legislators must consider competing values, interests, and constituencies.

Unlike legislators in many other states, Montana's legislators are part-time and are compensated only during the legislative session and for interim committee work.

This chapter addresses the following topics related to legislators:

- representation;
- qualifications;
- privileges;
- duties, including ethical conduct; and
- accountability.

Requirements directed at candidates for election and the conduct of elections are not addressed in this chapter.

Representation

Each Montanan is represented by one state senator and one state representative.

The Montana Senate consists of 50 members elected to serve 4-year staggered terms. The Montana House is composed of 100 members elected to 2-year terms.

UNLIKE LEGISLATORS IN MANY OTHER STATES, MONTANA'S LEGISLATORS ARE PART-TIME AND COMPENSATED ONLY DURING THE LEGISLATIVE SESSION AND FOR INTERIM COMMITTEE WORK.

Montana is divided into geographical districts, based upon population, from which senators and representatives are elected. Each member of the House of Representatives represents a district. The Montana Constitution requires that all districts be compact and contiguous and as nearly equal in population as is practicable. Each member of the Senate represents a district composed of two adjoining House districts.

Redistricting and reapportionment of legislative districts takes place following each decennial census. The Montana Districting and Apportionment Commission, composed of five citizens, is responsible for this task in Montana. The members of the Commission may not hold public office. The Commission must submit a proposed plan to the Legislature. The Legislature then has 30 days to return the plan to the Commission with its recommendations. The Commission is required to file its plan with the Secretary of State within 30 days of receipt of recommendations from the Legislature. The plan becomes law upon filing with the Secretary of State. Through this process, new districts will be established for the 2014 elections.

Qualifications

A Montana legislator:

- must be a United States citizen;
- must be a Montana resident for at least 1 year before the general election;
- must be18 years of age or older;
- may not be serving a sentence for a felony;
- may not be of unsound mind; and
- must, for 6 months preceding the election, be a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county.

A legislator may not serve as a member of Congress or hold a public office of a civil nature during the legislator's term. A legislator may run for another office; however, if elected to the other office, the legislator must resign the legislative seat.

Privileges

Immunity

The rationale for legislative immunity was reiterated in a 2002 federal District Court order. Quoting prior holdings, the Court stated:

> Legislators enjoy immunity from prosecution when acting in their capacity as lawmakers. These [immunities] are thus secured, not with the intention of protecting the members against prosecutions for their own benefit, but to support the rights of the people, by enabling their

> representatives to execute the functions of their office without fear of prosecutions, civil or criminal.[2]

Legislators are exempt from arrest during attendance at a session of the House or Senate and while going to and from those sessions. This exemption does not apply in the case of a felony or a breach of the peace.

Members and staff of the Legislature are immune from suit for damages arising from the lawful discharge of an official duty associated with legislative acts.

A legislator may not be questioned in any other place, including a court, for any speech or debate in the Legislature.

■ Harassment

Legislators (and legislative employees) have the right to work free of harassment because of their race, color, religion, sex, sexual orientation, age, disability, marital status, citizenship, or any other characteristic protected by law. This is true regardless of whether the offender is an employer, employee, legislator, lobbyist, or member of the public.

◘ Duties

A guiding statement regarding a legislator's public duty is found in section 2-2-103(1), MCA:

> The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state.

The Montana Constitution requires the Legislature to provide a code of ethics prohibiting conflict between public duty and private interest for members of the Legislature and others. Provisions governing ethical conduct have been adopted in statute and rule (Title 2, chapter 2, part 1, MCA).

■ Participation

Section 2-2-112(2), MCA, provides that a "legislator has a responsibility to the legislator's constituents to participate in all matters as required in the rules of the legislature". Legislators must be present when their house is in session unless they are excused. Senators are required to vote unless they are excused. Representatives are required to vote when present unless a member has disclosed a conflict of interest.

■ Disclosure of Conflict of Interest

Understanding the laws and rules governing conflict of interest is particularly important for members of a citizen legislature such as the Montana Legislature. As noted previously, under Montana law, a legislator has a responsibility to the legislator's constituents to participate in all matters as required by rules contained in the *Rules of*

---

[2] Single Moms, Inc., et al. v. Montana Power Company, et al. Judge Donald W. Molloy, United States District Court, District of Montana, Butte Division, February 6, 2002.

the Montana Legislature. A legislator may have a personal interest or a private interest that would be affected by a legislative decision.

If a legislator has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety, the legislator is required to disclose the interest prior to participating in an official action. The law establishes criteria that the legislator shall consider in determining whether or not to disclose an interest. The legislator may ask the Ethics Committee for the member's house for advice regarding the disclosure requirement.

A legislator who is a member of a profession, occupation, or class affected by legislation is not required to disclose an interest unless the class is so narrow that the vote will have a direct and distinctive personal impact on the legislator.

■ Prohibited Activities

A legislator may not:

- disclose or use confidential information acquired in the course of official duties in order to further substantially the legislator's personal interests;
- accept a gift with a value of $50 or more or a substantial economic benefit that is equivalent to a gift. The law clarifies what is considered a gift (section 2-2-102(3), MCA). Campaign contributions reported as required by law are not considered gifts.
- accept a fee, contingent fee, or any other compensation (except the official compensation for legislators) for promoting or opposing the passage of legislation;
- seek other employment for the legislator or solicit a contract for the legislator's service by use of the office;
- accept a fee or other compensation (except for compensation and expenses allowed when the Legislature is not in session) from a Montana state agency or political subdivision of the state for speaking to the agency or political subdivision;
- have an interest in a contract made by the legislator in the legislator's official capacity or by any body, agency, or board of which the legislator is a member if the legislator is directly involved with the contract or solicit, accept, or agree to accept a pecuniary benefit[3] from a person who is known to be interested in or likely to become interested in a matter before the Legislature or a committee of the Legislature.

■ Business and Employment Disclosure

Legislators are required to file a business disclosure statement with the Commissioner of Political Practices by December 15 of each even-numbered year. Legislators who are paid by more

[3] A pecuniary benefit is defined in section 45-2-101, MCA: ""Pecuniary benefit" is benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain."

than one public employer are also required to file a disclosure statement.

Accountability

Legislature

Each house may expel or punish a member for good cause shown with the concurrence of two-thirds of all of its members.

Montana law requires each house of the Legislature to have an Ethics Committee. The Ethics Committee must consist of two members of each political party. The committees may meet jointly, and the joint committee may consider matters affecting the entire Legislature.

The Ethics Committee is responsible for:

- educating members about the code of ethics in Montana law;
- advising and determining when there is a conflict of interest that requires disclosure; and
- responding to complaints referred by the Rules Committee that allege a violation of statute or rule by a legislator.

The Senate Rules specifically address the matters that may be referred to the Senate Ethics Committee.

In each house, the general process is as follows:

❶ The Rules Committee refers a matter to the Ethics Committee.

❷ The Ethics Committee considers the matter. The Ethics Committee may dismiss the charge, refer the matter to the Lewis and Clark County Attorney, if appropriate, or make a recommendation.

❸ If the Ethics Committee makes a recommendation, it is referred to the Senate or the Committee of the Whole of the House of Representatives.

Commissioner of Political Practices

A person alleging a violation of the code of ethics codified in Title 2, chapter 2, part 1, MCA, that does not involve a legislative act by a legislator may file a complaint with the Commissioner of Political Practices.

Recall

A legislator may be recalled by the voters in the legislator's district. The basis for the recall must be one of the following:

- lack of physical or mental fitness;
- incompetence;
- violation of the oath of office;
- official misconduct; or
- conviction of a felony offense.

The recall process is initiated by a petition of electors, and the question is decided through an election.

CHAPTER 5: ORGANIZING THE MONTANA LEGISLATURE

Introduction

In January of every odd-numbered year, a new Legislature begins to serve for 2 years. The 63rd Legislature will convene at noon on January 7, 2013. This chapter describes how each Legislature organizes itself, from the election of members to the first day of the legislative session.

THE MONTANA CONSTITUTION REQUIRES THE LEGISLATURE TO MEET FOR A REGULAR SESSION IN EACH ODD-NUMBERED YEAR.

Election of Members

One-half of the Senate is elected every 2 years. The entire House of Representatives is elected every 2 years. The general election is held in early November of every even-numbered year, approximately 2 months before the Legislature convenes for the regular session.[4] Following the election, the Secretary of State prepares certified rosters of the members of each house of the Legislature. Newly elected members begin their terms on the first day of the legislative session.

See Chapter 4 for information about districts and qualifications of legislators.

Legislative Sessions

Regular Session

When the Legislature meets for a regular session in each odd-numbered year, the session may not exceed 90 days. A Legislature may increase the limit on the length of any subsequent session of the Legislature.

The law provides that each regular session of the Legislature begins at noon on the first Monday of January. When January 1 falls on a Monday, the regular session begins on the first Wednesday in January.

Special Sessions

A special session may be convened in the following ways:

- The Governor may call a special session.
- A majority of the members of the Legislature may request a special session in writing. In order to request a special session, 10 members of the Legislature may request the

[4] The date of the general election is set in statute: the first Tuesday after the first Monday in November of every even-numbered year.

Secretary of State to poll legislators to determine if a majority are in favor of a special session. The request must specify the conditions warranting the call of a special session, the purposes of the special session, and the proposed date and time for convening the special session. If a majority of members are in favor of the special session, the Secretary of State will notify legislators of the date and time of the special session.

- When the Legislature is in session, a special session may be called by a recorded vote of a majority of the members of the Legislature (section 5-3-102, MCA).

A special session may be limited to subjects specified in the call.

The law also provides for emergency sessions to be convened if the Governor and the Governor's primary successors are killed or are unable to serve as the result of an enemy attack.

Caucuses

After the election and before December 1 of each even-numbered year, the parties of each house are required to hold a presession caucus for newly elected legislators and holdover senators who will continue to serve in the Legislature. The date of the presession caucus is set by the Legislative Council. Officers for each house are nominated during the presession caucus. Certain officers must be elected by the house in which they

serve after the Legislature convenes. Traditionally, the nominated officers begin to serve as if they will be elected, and the elections held on the first day are a formality. The officers to be nominated for each house are listed below. Duties of each office are described in Chapter 3.

- **Senate**

- **Officers elected by the Senate**:
  - President
  - President Pro Tempore
- **Officers elected by the appropriate caucus of the Senate:**
  - Majority Floor Leader
  - Minority Floor Leader
  - Majority Whip
  - Minority Whip

The members of the Senate Committee on Committees are elected by the Senate.

- **House of Representatives**

- **Officers elected by the House of Representatives:**
  - Speaker
  - Speaker Pro Tempore

- **Officers elected by the appropriate caucus of the House of Representatives:**
  - Majority Floor Leader
  - Minority Floor Leader
  - Majority Whip
  - Minority Whip

Presession Organization

After the November election, each person who will serve in the next Legislature will receive a request to indicate the person's preferences for standing committee appointments. Committee members are appointed following the presession caucuses. In general, the Senate Committee on Committees appoints, with the approval of the Senate, members to committees of the Senate. The Speaker of the House appoints members to committees of the House of Representatives.

Also during the presession period, the legislative leaders and the members appointed to the Legislative Administration Committees and the Rules Committees meet to hire session employees and carry out organizational tasks.

The President of the Senate appoints a Secretary of the Senate and a Sergeant at Arms. The Speaker of the House appoints a Chief Clerk of the House and a Sergeant at Arms. The duties of these staff officers are described in Chapter 3. The law also provides for appointment of a chaplain for each house.

Before the session begins, the Senate Finance and Claims Committee and the House Appropriations Committee may review appropriation requests and may visit state agencies and institutions to discuss the requests, although this is rarely done.

Convening the Senate

The following activities usually take place on the first day of the legislative session in the Senate.

- Senators and senators-elect report to the Senate Chamber and sit in assigned seats that are indicated on a seating chart.
- The first day's session is called to order.
- Roll is called.
- The constitutional oath of office is administered to the senators-elect.
- The rules of the previous Legislature are adopted as the temporary operating rules for the current Legislature.
- Officers nominated at the presession caucuses are officially elected.
- Staff officers appointed by the President of the Senate are confirmed.
- Welcoming speeches are delivered.
- The President of the Senate appoints small, select committees to notify each of the other branches of state government and the other house that the Senate is organized and ready for business.
- The reports of the Committee on Committees recommending appointments to committees and the Legislative Administration Committee recommending employment of attachés (session employees) of the Senate are read.

- The first reading and commitment of all preintroduced and other introduced bills and resolutions occur.

Other business may also be conducted. See Chapter 9 for more information about floor sessions in each house.

Convening the House of Representatives

The following activities usually take place on the first day of the legislative session in the House of Representatives.

- Representatives-elect report to the House Chamber and sit in assigned seats that are indicated on a seating chart.
- The first day's session is called to order by the Secretary of State.
- Roll is called.
- The constitutional oath of office is administered to the representatives-elect.
- The rules of the previous Legislature are adopted as the temporary operating rules for the current Legislature.
- Officers nominated at the presession caucuses are officially elected.
- Staff officers appointed by the Speaker of the House are confirmed.
- Welcoming speeches are delivered.
- The Speaker of the House appoints small, select committees to notify each of the other branches of state government and the other house that the House of Representatives is organized and ready for business.
- The first reading and commitment of all preintroduced and other introduced bills and resolutions occur.

Other business may also be conducted. See Chapter 9 for more information about floor sessions in each house.

CHAPTER 6: LEGISLATIVE PROCEDURES

Introduction

The efficiency of the Legislature is improved through the appropriate use of procedural rules. Paul Mason, in the foreword to the 1979 edition of *Mason's Manual of Legislative Procedure*, wrote:

> A proper application of the rules of procedure will eliminate controversy, confusion and litigation and will make public bodies more efficient in their work and more pleasant to work in.[5]

Legislative procedures are governed by the following authorities:

(1) constitutional provisions and judicial decisions interpreting them;

(2) Montana statutes and judicial decisions interpreting them;

(3) *Rules of the Montana Legislature* (Senate Rules, House Rules, and Joint Rules);

(4) tradition; and

(5) *Mason's Manual of Legislative Procedure*.

These authorities are listed in order of priority. A provision at one level may be implemented or fleshed out by provisions farther down this hierarchy.

Committee procedural rules are another set of rules that apply to specific committees. The courts and the Attorney General also play an important role by interpreting the law.

All of these authorities are discussed in more detail below. Finally, a brief overview of important concepts related to rules is presented.

This chapter focuses on the "rules"[6] that govern how the Legislature conducts its business during a legislative session. Provisions that address the content of legislation, duties of the Legislature, and interim activities are not emphasized in this chapter.

Montana Constitution

Constitutional provisions are the overriding authority that may not be violated. Key provisions of the Montana Constitution that impact legislative procedures are presented and discussed below. This information is general and is intended to provide an understanding of the framework within which the Legislature must operate.

Right of Participation

Article II, section 8, of the Montana Constitution provides:

[5] *Mason's Manual of Legislative Procedure* (2000 edition, p. IX and 2010 edition, p. xxx).

[6] The term "rules" is used generically unless the text refers to specific rules (e.g., Joint Rules).

> The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

Committee hearings play a critical role in enabling citizen participation in the legislative process in Montana. Citizens may also participate by communicating with legislators about specific pieces of legislation through letters, electronic mail, or phone messages.

■ Right to Know

Article II, section 9, of the Montana Constitution provides:

> No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Moreover, Article V, section 10(3), of the Montana Constitution provides:

> The sessions of the legislature and of the committee of the whole, all committee meetings, and all hearings shall be open to the public.

Based on these provisions, meetings must be open to citizens. Public notice must be given. Furthermore, once a legislator has requested that legislation be drafted, any information related to this request must be provided to a citizen upon request.[7]

■ Extraordinary Votes

The Montana Constitution requires extraordinary votes to approve certain types of legislation (see **Table 6-1**).

■ Governor's Veto

Veto powers of the Governor and procedures are addressed in Article VI, section 10, of the Montana Constitution.

■ Other Procedural Matters Addressed by the Constitution

Article V, sections 6, 10, and 11, of the Montana Constitution contain some specific provisions that govern how the Legislature operates. These requirements include:

- every vote of each member on each substantive question must be recorded and made public;
- each house is required to keep a journal, make rules for its proceedings, and choose officers from among its members;
- each house may expel or punish a member for good cause shown with

[7] Although this rarely occurs during the legislative process, sometimes constitutional rights must be balanced; balancing may result in one right taking precedence. "When the demands of individual privacy clearly exceed the merits of public disclosure, government documents and operations are not subject to public disclosure." (37 A.G. Op. 170 (1978))

the concurrence of two-thirds of all its members;

- a majority of each house constitutes a quorum. A smaller number may adjourn from day to day and compel attendance of absent members.
- neither house may adjourn or recess for more than 3 days or to any place other than that in which the two houses are sitting without the consent of the other; and
- the Legislature may be convened in special sessions by the Governor or at the written request of a majority of the members.

The oath of office is specified in Article III, section 3, of the Montana Constitution.

Table 6-1. Constitutional Extraordinary Vote Requirements

Type of Legislation	Vote Required	Montana Constitution Section
Grant immunity from suit to a public entity	2/3 of each house	Art. II, sec.18
Override vetoed bill	2/3 of present members of each house	Art. VI, sec.10
Appropriate highway revenue for nonhighway purposes	3/5 of each house	Art. VIII, sec. 6
Create state debt	2/3 of each house	Art. VIII, sec. 8
Appropriate principal of coal severance tax trust fund	3/4 of each house	Art. IX, sec. 5
Appropriate noxious weed management trust funds	3/4 of each house	Art. IX, sec. 6
Appropriate principal and one-tenth of the interest and income deposited in the Montana tobacco settlement trust fund	2/3 of each house	Art. XII, sec. 4
Propose calling a constitutional convention	2/3 of all members of the Legislature	Art. XIV, sec. 1
Propose amendment to Montana Constitution	2/3 of all members of the Legislature	Art. XIV, sec. 8

Montana Statutes

The statutes contain numerous provisions related to legislation, organization of the Legislature, and other topics addressed in other chapters of this handbook. There are few provisions that deal strictly with procedural matters during the legislative session. Examples of these include sections that address procedures in response to action by the Governor (e.g., veto of legislation) and compelling the attendance of witnesses. Title 5, MCA, contains the Legislative Branch statutes. The index to the MCA includes several pages referencing sections related to the Legislature (see "LEGISLATURE" in the general index to the MCA).

Rules of the Montana Legislature

The Montana Constitution gives each house the authority to make rules for its proceedings.

The primary source of information on how the Legislature conducts its business is the *Rules of the Montana Legislature*. Topics covered by these rules include administration, decorum, committees, legislation, floor actions, motions, and rules about rules.

Joint Rules, Senate Rules, and House Rules are adopted by resolution at the beginning of each legislative session. Traditionally, the rules of the previous Legislature are adopted temporarily (with or without exceptions) until the resolutions for the current session are approved. Once the rules are adopted, the rules are published by the Legislative Services Division in a booklet that includes a table of contents and an index. The index makes this booklet a useful reference source for legislators.

The rules booklet also contains the U.S. and Montana Constitutions for reference.

Tradition

In both houses of the Montana Legislature, two categories of traditional practices have evolved. A description of each type and its place in the framework follow.

Procedures Not Addressed by the Rules of the Montana Legislature

The traditional practices that fall into this category are a recognized source of procedural rules. According to *Mason's Manual of Legislative Procedure*, custom, usage, and precedents take priority over the adopted parliamentary authority.

Practices That Conflict With the Rules of the Montana Legislature

The rules adopted take priority over custom, usage, and precedents. The use of a traditional practice that conflicts with any of these rules is a violation of the rules. See below for more information about "Violations of Rules" and "Suspension of Rules".

Mason's Manual of Legislative Procedure

Under the rules adopted by the Montana Legislature, *Mason's Manual of Legislative Procedure* (2000) governs the proceedings of the Senate and the House of Representatives in all cases not covered by the Joint, Senate, or House rules. *Mason's Manual of Legislative Procedure* is a parliamentary manual designed specifically for state legislatures. The manual is a logically organized compilation of the practices and precedents of legislative bodies, usually stated in the form of rules.

Parliamentary procedures for legislatures are sometimes different from the procedures used by private organizations, such as those found in *Robert's Rules of Order*. For example, under the Senate and House Rules (2011) and *Mason's Manual of Legislative Procedure*, a motion made in the Montana Legislature does not require a second.

THE PRIMARY SOURCES OF INFORMATION ON HOW THE LEGISLATURE CONDUCTS ITS BUSINESS ARE THE RULES OF THE MONTANA LEGISLATURE.

Useful features of the manual include:

- a brief index and general index that enable the user to look up specific questions;
- a table of contents that identifies topics of interest;
- a list of motions that categorizes common motions; and
- an introduction covering principles of parliamentary law.

Furthermore, a review of *Mason's Manual of Legislative Procedure* can provide a legislator with a better understanding of the reasons behind rules and practices.

Committee Procedural Rules

The rules for each house include a chapter regarding committees. Committees often develop rules of procedure that outline how a committee will conduct its business. The rules should be posted or made available to participants or attendees at committee meetings. This practice helps everyone involved in the meetings to make the best use of their time and facilitates participation in the process. The rules must be consistent with constitutional requirements, Montana statutes, Joint Rules, and the rules of the respective house.

Interpretation by the Judicial Branch

The Montana Constitution gives each house the authority to make rules for its proceedings. Unlike legislation, rules are not subject to veto by the Executive Branch, and the role of the Judicial Branch

is limited. Section 71 of *Mason's Manual of Legislative Procedure* addresses the powers of courts with reference to legislative procedure.

> The courts will not disturb a ruling on a parliamentary question made by a legislative or governmental body having authority to make rules for its government and acting within the scope of its powers.
>
> A rule of procedure adopted by a legislative house pursuant to the constitutional provision authorizing each house to determine its rules of procedure cannot be impeached on the grounds that some other rules would be better or more accurate or more just, if the rule, as adopted, does not ignore constitutional restraints or does not violate fundamental rights and there is a reasonable relation between the mode or method of procedure and the result that is sought.

As noted previously, the Montana Legislature must comply with the Montana Constitution and Montana statutes. Court decisions have required the Legislature to change the way that it operates in order to comply with the Montana Constitution. Some court decisions related to the constitutional right to know are summarized below to illustrate the role that the Judicial Branch may play in the operation of the Legislature.

■ Bill Drafts

In 1994, a nonprofit environmental organization was denied access to a file on a specific bill draft request based on a Legislative Council rule. District Court Judge Thomas Honzel concluded that under the right to know provision of the Montana Constitution (Article II, sec. 9), the bill draft files of the Legislative Council and the Environmental Quality Council "should be open to public examination, except in those specific cases where matters of individual privacy are implicated".

The judge's order stated that members of the public have the right to examine draft bills and associated documents (i.e., "junque files") during the drafting process and to inspect documents in the custody of the Legislative Council or Environmental Quality Council pursuant to any bill draft request.[8]

■ Political Party Caucuses

The Montana Supreme Court ruled that political party caucus meetings held before and during the session must be open to the public.[9]

◘ Attorney General's Opinions

The Attorney General is the legal officer of the state and is required by law to give written legal opinions to the Legislature,

---

[8] Montana Environmental Information Center v. Montana Environmental Quality Council, Cause No. CDV 95-207 (1995).

[9] Associated Press v. Montana Senate Republican Caucus, 286 Mont. 172 (1997).

either house of the Legislature, and other specified state and local officials regarding questions of law. These questions must relate to the office of the requester.

For example, in 1973, Senator Neil J. Lynch, then Senate Majority Leader, and Senator Jim Moore, then Senate Minority Leader, each asked the Attorney General for an opinion regarding the requirements for reconvening the Legislature in special session. In 1985, the Secretary of State raised a similar question.[10]

Other examples of questions relevant to the operations of the Legislature that have been addressed in opinions of the Attorney General include the implementation of term limits, qualification of a member to serve when convicted of a felony, and the power of a legislative standing committee to meet during a special session.

Learning the Rules: Tips and Concepts

The prospect of becoming a "rules expert" may seem intimidating, particularly in light of the multiple sources of rules, some of which are unwritten. However, a new legislator can lay a solid foundation by taking the following steps:

- Read the rules for the previous Legislature prior to the session.
- Note proposed changes to rules in introduced resolutions. (New text will be underlined, and text to be deleted will be stricken.)
- As questions arise, look up the answer using the index to the *Rules of the Montana Legislature* or *Mason's Manual of Legislative Procedure*.
- Ask questions of experienced legislators, legislators who serve on the Rules Committees, or Legislative Services Division committee staff.
- Understand the following basic concepts.

Understanding the Question

A legislator has a right to understand the question that is before the legislative body. To ask a question about a floor procedure or to seek information about a motion before the Senate or the House, a legislator may make a parliamentary inquiry by addressing the presiding officer and saying "I rise to a point of inquiry" or "I rise for a point of information". The presiding officer will ask the requester to state the inquiry and will then respond to the question. A point of inquiry is merely a request for information and may not be debated or appealed.

Violations of Rules

For both chambers, a question of order (also known as a point of order) is a parliamentary procedure used by a member to bring attention to a possible

[10] The Secretary of State and the legislative leadership each have responsibilities related to convening a special session, so it is appropriate for each to raise the question. (41 A.G. Op. 27 (1985), 35 A.G. Op. 7 (1973), 35 A.G. Op. 6 (1973). 41 A.G. Op. 27 overruled part of 35 A.G. Op. 6.)

violation of the rules. A question of order must be raised promptly at the particular time that the question is pending. To raise a question of order, a member must rise and address the presiding officer and state "I rise to a question [point] of order".

A member may appeal the decision of the presiding officer if the motion is seconded by two additional members. After debate, the question is put to a vote. If at least one-half of those voting support the ruling, the ruling stands.

Interpretations of the House Rules by the Speaker of the House may be appealed to the House Rules Committee by 15 representatives. The decision of the House Rules Committee may be appealed to the House of Representatives by any representative.

Violations of the rules that go unnoticed do not necessarily result in dire consequences. When the legislative body acts in violation of its own rules, implied suspension of the rules occurs. The action taken by the body is valid as long as the body has the authority to suspend the rules.[11] The Legislature does not have the authority to violate the Montana Constitution or Montana statutes. Both Senate and House Rules contain a rule that *Mason's Manual of Legislative Procedure* governs the proceedings in all cases not covered by the rules of the respective chamber.

■ Suspension of Rules

Either house may suspend its own rules as long as the action taken does not violate constitutional or statutory requirements. Approval by two-thirds of those voting is required to suspend the rules. The Joint Rules allow either house to suspend a rule governing handling of bills upon a two-thirds vote.

[11] Mason's Manual of Legislative Procedure (2000 edition and 2010 edition, sec. 284).

CHAPTER 7: MAKING PUBLIC POLICY THROUGH BILLS AND RESOLUTIONS

Introduction

This chapter explains how the Legislature makes public policy through bills and resolutions. Citizens also have the power to create or amend law by initiative or referendum. These citizen-initiated processes are not addressed in this handbook.

Overview of Bills and Resolutions

Bills

A bill is a proposal sponsored by a legislator to amend or repeal existing law or establish new law. A few types of bills are described below. Others are described in the *Bill Drafting Manual* published by the Legislative Services Division.

- **General bill.** A bill that amends or repeals statutes or establishes new statutes.
- **Appropriation bill.** A bill that authorizes the expenditure of state money for a specific purpose. Appropriation bills must originate in the House of Representatives.
- **Revenue bill.** A bill that increases or decreases revenue (i.e., fines, fees, taxes, penalties).
- **Constitutional amendment.** A bill that proposes a constitutional amendment by legislative referendum. If the bill is approved by two-thirds of the members of the Legislature, it is referred to Montana voters. All constitutional amendments must be approved by the voters.
- **Referendum.** A bill that orders a vote and approval by the electorate before the bill becomes law.

Resolutions

Resolutions are actions of the Legislature for a variety of purposes. Resolutions do not have the force of law. Some common types of resolutions are described below. Others are described in the *Bill Drafting Manual.*

- **Simple resolution.** A simple resolution may be used to adopt or amend the rules or otherwise provide for the internal affairs of the house adopting the resolution. In the Senate, simple resolutions are used to confirm the Governor's nominations for appointments.
- **Joint resolution.** Some of the uses of a joint resolution are to:
  - amend, adopt, or repeal Joint Rules;

- express support for or disapproval of federal legislation;
- request an interim study;
- send a request to a state agency, Congress, or the President;
- express sympathy to relatives of a deceased legislator;
- ratify or propose amendments to the U.S. Constitution;
- request amendment, adoption, or repeal of Executive Branch administrative rules; or
- approve construction of a state building.

Authorized uses of a joint resolution are specified in the Joint Rules.

Requirements for Bills: Tips for Legislators

A thorough review of requirements that affect bills is beyond the scope of this handbook. A legislator may become more familiar with these requirements by reviewing the *Bill Drafting Manual,* which references selected provisions relating to bill drafting, and the provisions of the *Rules of the Montana Legislature* that deal with legislation.

Legislators should be aware of the constitutional requirements summarized below.

- A bill may not be amended after introduction so as to change its original purpose.
- A bill may contain only one subject, which must be clearly expressed in its title. (Exceptions are made for general appropriation bills and bills for the codification and general revision of laws. The constitution clarifies what qualifies as a general appropriation bill.)
- An appropriation may not be made for religious, charitable, industrial, educational, or benevolent purposes to any private individual, private association, or private corporation not under the control of the state.
- A law may be challenged on the ground of noncompliance with Article V, section 11, of the Montana Constitution (including the provisions listed above) only within 2 years after its effective date.

A few additional requirements in statute or rule are summarized below.

- Statutes are effective October 1 following passage and approval except for:
  - laws appropriating public funds for a public purpose;
  - statutes providing for the taxation or imposition of a fee on motor vehicles;
  - statutes enacted during a special session of the Legislature; or
  - laws that provide a different effective date. (section 1-2-201, MCA)

- A bill may not be introduced or received in a house after that house has finally rejected a bill designed to accomplish the same purpose. The Rules Committee of the appropriate house may approve exceptions to this rule. (Joint Rule 40-70)

- It is a crime, punishable by a fine or imprisonment, to knowingly make a false entry or false alteration in a bill or law. (section 45-7-208, MCA)

The Drafting Process: From Idea to Introduction

The drafting process begins when a legislator requests that a bill or resolution be drafted. This section reviews the policies that govern requesting and drafting of bills and resolutions and provides a step-by-step overview of the process.

Who May Request Bills or Resolutions

The following individuals or committees may request that bills or resolutions be drafted:

- a person entitled to serve in the next session of the Legislature (holdover senators or unopposed candidates);
- a standing committee of the Legislature; or
- an interim or other statutory legislative committee.

The eligible requesters listed above may request that legislation be drafted at the request of Executive Branch officials or agencies.

THE DRAFTING PROCESS BEGINS WHEN A LEGISLATOR REQUESTS THAT A BILL OR RESOLUTION BE DRAFTED.

Limitations on Drafting Requests

Under the current Joint Rules, an individual who will serve in the 2013 session may request:

- an unlimited number of bills or resolutions before 5 p.m. on December 5, 2012; and
- up to seven bills or resolutions after December 5. Only two of these seven bills or resolutions may be requested after noon on January 7, 2013. All general bills and resolutions must be requested by 5 p.m. on the 12th legislative day; deadlines for other bills and resolutions, including committee bills, are established in the Joint Rules.

After December 5, 2012, an eligible requester may grant any unused requests to another person entitled to serve in the next legislative session. Existing requests may not be transferred.

■ Bill Drafting Services

Each request is assigned to a research analyst or attorney from the Legislative Services Division based on expertise and workload. The drafter is an impartial technician whose function is to translate the objectives and proposed policies of the requester into clear, concise, and unambiguous language.

The Joint Rules require that bills and resolutions be reviewed by the staff of the Legislative Services Division prior to introduction for proper format, style, and legal form. The *Bill Drafting Manual* establishes the format and style guidelines.

PRIOR TO INTRODUCTION, DRAFT BILLS AND RESOLUTIONS ARE REVIEWED BY AN ATTORNEY, AN EDITOR, PROOFREADERS, AND THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE SERVICES DIVISION, IN ADDITION TO THE DRAFTER.

The drafter will:

- draft the bill or resolution in accordance with the *Bill Drafting Manual* and applicable law;
- identify potential conflicts with state and federal constitutional provisions and notify the requester of these conflicts;
- contact persons identified by the requester for information if necessary;
- identify decisions that need to be made by the requester and review existing statutes to avoid conflicts, duplication, or confusion.

Upon request and time permitting, the drafter may conduct research and identify options for the requester or provide background information related to the bill.

The drafter may not:

- express personal thoughts or promote self-interest;
- prepare speeches or testimony for individual legislators; or
- make decisions that determine the policy to be implemented or articulated through a bill or resolution.

Prior to introduction, draft bills and resolutions are reviewed by an attorney, an editor, proofreaders, and the Executive Director of the Legislative Services Division, in addition to the drafter.

■ Providing Direction to the Drafter

Legislative Council rules require that all bill drafting requests provide sufficient information to allow the request to be entered into the Legislative Automated Workflow System (LAWS)—basically a subject area must be able to be assigned.

The following questions are designed to help a legislator prepare a bill draft request.

- What exactly is the problem to be solved? If applicable, what are the undesired effects of the current law?
- Who has experienced the problem?
- What results are desired?
- What is the proposed solution to the problem?
- What action should the government take to solve the problem? Do you know of existing statutes that should be changed to achieve your proposed solution?
- Is there a document or "draft bill" prepared by a citizen, agency, lobbyist, or any other entity that may serve as a model or provide guidance for your bill? Provide a copy if you have one. (You may request that Legislative Services Division staff make a copy and return the original to you.)
- Is there legislation from another state that may serve as a model for your bill? Provide a copy of the legislation if you have one. If you are aware of any information that will help to find the legislation (state, date, bill or law number), provide this information.
- Is the proposed solution based on an idea that you heard or read about? Provide any reference information that you are aware of. Where did you hear or read about it? Do you have a copy of an article that you can provide?
- Does the solution require additional money for implementation? How should the money be raised or from what existing source should it come? (Mandates to local governments must authorize a source of funding.)

Requesters who are not prepared to answer these questions may ask for information from research analysts or attorneys of the Legislative Services Division or may request that a resolution requesting an interim study be drafted.

After a request is received, the requester will be asked to provide additional guidance through responses to questions posed by the drafter and will be asked to review the a draft bill or resolution.

■ Prioritization of Drafting Requests

The general rule that applies to drafting the first five requests from persons who will serve as legislators in the next session is "first in, first worked on". After the first five bills or resolutions have been drafted for all requesters, remaining requests are drafted in order of request. As is often the case with general rules, there are many exceptions; most are listed below.

- After a draft bill or resolution has been submitted for legal review, the requester may make changes to the draft only one time without losing priority. If the changes are requested in accordance with deadlines specified in Legislative Council rules for notifying the drafter of potential revisions and for providing requested

revisions, the request retains its original priority. If these deadlines are not met or if the requester submits subsequent revisions, the request is treated as if it were a new bill draft request for purposes of prioritization.

- The President of the Senate, Senate Minority Floor Leader, Speaker of the House, and House Minority Floor Leader may each direct the Legislative Services Division to assign a higher priority to 10 bill draft requests.

- A request must be assigned a higher priority when jointly directed by:
  - the leadership of both houses as provided in the Joint Rules; or
  - the Senate or House.

Monitoring and Changing the Status of Bills

The requester should periodically review all drafts requested and take action to change the status or move the request forward if needed. The status of bills can be easily monitored by using the Legislative Automated Workflow System (LAWS) on the Legislative Branch website to generate a list of requests by requester and noting the status of each. Requesters may do this themselves using the Internet or may ask Legislative Services Division staff to generate the list for them. (See Chapter 13 for information about LAWS.)

At various points in the process, the "ball is in the legislator's court". For example, when the status system says "Draft to Requester for Review" or "Draft Ready for Delivery", the requester is being asked to take action. The requester should not hesitate to contact the bill drafter anytime that the requester has a question about the status of a request.

A requester may cancel a request or place it on "hold" anytime before introduction. Legislators can help to ensure that state government resources are used efficiently and that all legislators are best served by:

- notifying the drafter that a request should be placed on "hold" if the legislator is uncertain as to the best approach or is not sure that the bill or resolution merits further effort. Placing the draft on "hold" allows the drafter to work on requests for other members.

- canceling requests for bills or resolutions that are no longer desired.

Preintroduction

Bills or resolutions drafted prior to the legislative session may be preintroduced before the legislative session and assigned a bill number.

Preintroduction allows the Legislature to "hit the ground running" by facilitating the assignment of bills to committees so that presiding officers may schedule hearings.

With a few exceptions, bills drafted at the request of an interim or other statutory

legislative committee (including Executive Branch proposals) must be preintroduced. Deadlines are specified in the Joint Rules. All preintroduced bills must be sponsored by a legislator. The legislator must comply with the instructions provided by the Legislative Services Division for signing and returning the bill by the deadline or the request will be canceled.

Request to Introduction: Step-by-Step

❶ **Request.** An eligible requester may request that a bill or resolution be drafted by completing a form available from the Legislative Services Division or by contacting the Division.

❷ **Request assigned -- displayed on website.** The request is assigned to a Legislative Services Division research analyst or attorney by the Director of the Legal Services Office or the Executive Director. The request is summarized in an unofficial short title and displayed through LAWS on the Legislative Branch website. The request and any information that the Legislative Services Division has related to the request are public information. The information may be viewed or copied by any interested person.

❸ **Drafting.** The drafter writes a draft bill or resolution and provides the bill drafting services identified above. The drafter will notify the requester if information or guidance is needed. If the information is not available for a day or more, the bill is put on "hold" until the information is available.

❹ **Draft to requester for review.** A draft is mailed or delivered to the requester for review, along with a form. The requester fills out the form to indicate the appropriate instructions and returns the signed form to the drafter. The drafter may put the draft on "hold" or forward the draft to legal review if the drafter has not heard from the requester within a specified timeframe.

❺ **Draft to legal review and edit.** The draft is reviewed and corrected, if necessary, by a Legislative Services Division attorney and an editor. Once the draft has been submitted for legal review, the request may lose its priority if changes are requested (see "Prioritization of Drafting Requests" or Legislative Council rules).

. . . continued

❻ **Draft available on website.** After corrections have been made as a result of legal review and edit, the draft text is posted to the Legislative Branch website. An updated version is posted whenever the document is revised or amended.

❼ **Final review.** The draft is reviewed by proofreaders, the drafter, and the Executive Director, and any necessary corrections to proper format, style, and legal form are made.

❽ **Notice to requester.** A notice is delivered to the requester providing instructions for introduction or preintroduction.

❾ **Requester picks up bill.** Only the requester may pick up the bill. Once the bill has been picked up, it is considered "delivered" and must be introduced by the requester or by another legislator within 2 legislative days. (Before the session begins, the legislator may follow the instructions provided for preintroduction.)

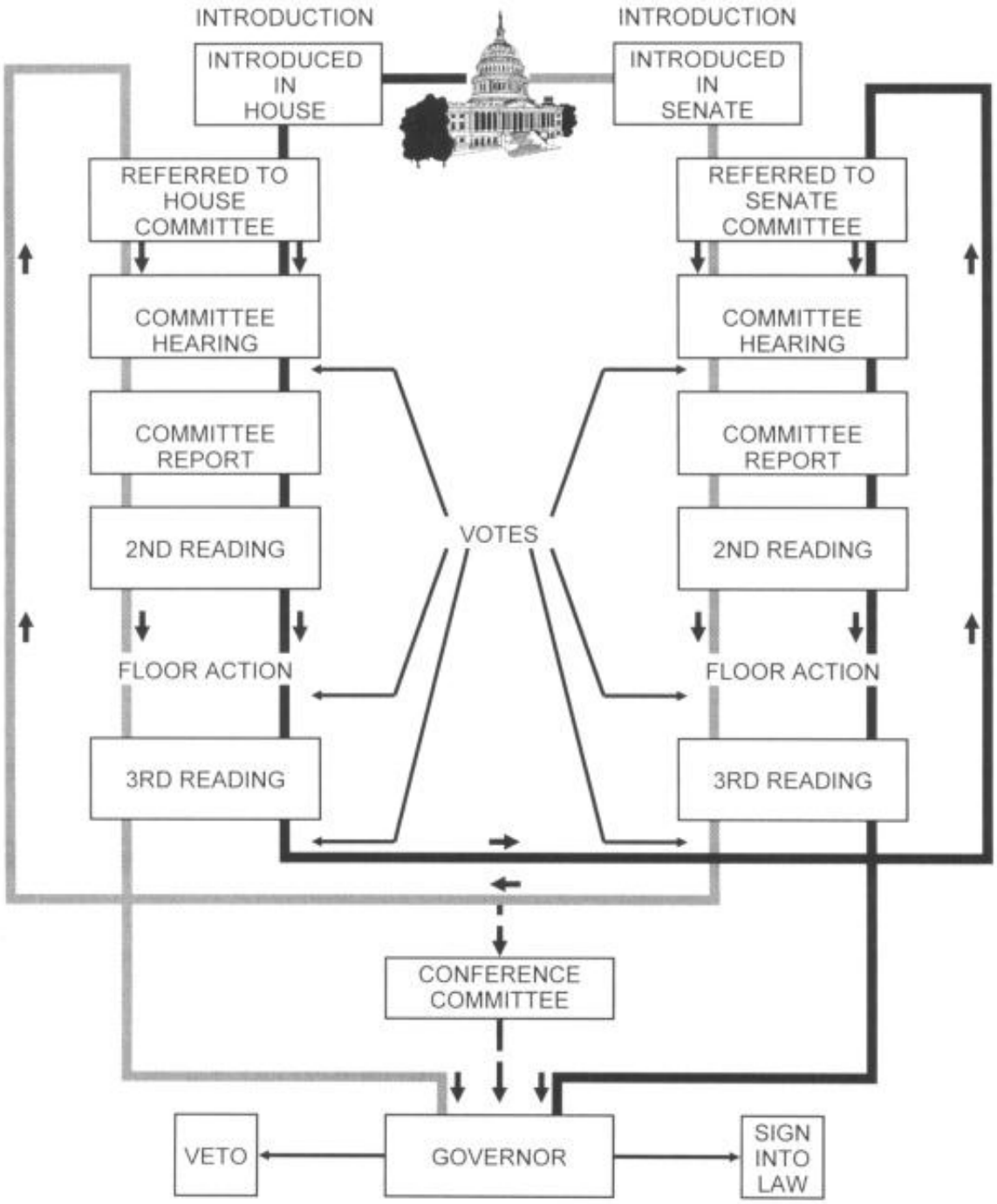
❿ **Introduction.** Except for appropriation bills, any legislator may introduce the bill. (An appropriation bill may be introduced only by a representative.) A senator may introduce a bill or resolution by signing it and delivering it to the Secretary of the Senate. A representative may introduce a bill or resolution by signing it and delivering it to the Chief Clerk of the House. Signatures of cosponsors or a joint chief sponsor from the other house may be gathered before introduction. (Instructions for preintroduction are provided to the requester.) Once the bill or resolution is introduced, it may not be withdrawn or canceled by the requester or sponsor.

If a local government fiscal impact statement is required, it must accompany the bill at the time that it is presented for introduction (see "Information About Bills: Fiscal Notes and Other Statements" later in this chapter).

◘ How a Bill Becomes a Law

This section outlines the general process for making a law, from the time a bill is introduced until the bill becomes a law. It includes a step-by-step overview of the process, oriented to the bill's sponsor, and information about preparation of amendments. **Figure 7-1** illustrates the process in general terms.

Figure 7-1. Flow Chart of the Legislative Process



■ Step-by-Step Overview

The process outlined applies to bills that are proposed laws. Approved resolutions are not laws. Proposed constitutional amendments and referendum measures are subject to approval of the voters. These measures follow most, but not all, of the same steps; however, they are not sent to the Governor for action. The appropriations process is reviewed in a subsequent section.

The bill may not always proceed through the steps in this sequence; for example, the house that has the bill may approve a motion to refer the bill to another committee or take the bill from committee and place it on second reading. A legislative body may reconsider its action at various points.

A. **Introduction**. The bill is signed by the sponsor. Bills sponsored by senators are filed with the Secretary of the Senate. Bills sponsored by representatives are filed with the Chief Clerk of the House. The presiding officer of the house (President of the Senate or Speaker of the House) requests a fiscal note for the bill if a fiscal note is needed. The bill is assigned a bill number.

B. **First reading, first house, and referral to committee**. The bill's number, sponsor, and the committee to which the bill has been referred by the presiding officer are announced in the first house.

C. **Committee hearing.** The committee holds a public hearing. The hearing begins with an opening statement by the sponsor. The presiding officer should be notified as early as possible if the sponsor cannot appear at a scheduled hearing. A sponsor may distribute copies of a written statement to all committee members before beginning the sponsor's testimony. A brief written document is a valuable reference. If the sponsor wishes to use visual aids, the committee secretary should be notified at least 1 day in advance of the hearing. If a sponsor has arranged for a number of individuals to speak as proponents, the sponsor should encourage them to avoid repeating the testimony of the others. A sponsor may make a closing statement.

The committee hearing is a critical step in the process of lawmaking. Many bills never proceed beyond this step. The hearing is an opportunity for the sponsor to explain why the bill is needed, educate members about the bill so that they can speak to the bill on the floor, respond to any concerns raised by witnesses, and suggest amendments if warranted. The sponsor may also follow up with committee members between the hearing and executive action. If the sponsor desires an amendment to the bill, the sponsor should ask a committee member to request that the amendment be drafted before executive action and move the amendment during

executive action. Amendments are usually drafted by the committee research analyst or attorney who will be present and able to explain the amendment when action is taken.

D. **Committee consideration and action**. Action by the committee is usually not taken on the same day as the hearing. (See Chapter 8 for a thorough discussion of actions that may be taken by the committee.) If the committee recommends further consideration by the appropriate house ("do pass", "do pass as amended", "do not pass", or "do not pass as amended"), a committee report is prepared. If the committee does not recommend consideration by the appropriate house, the bill does not move beyond this point until further action is taken.

E. **Committee report.** The committee report, along with the text of any amendments approved by the committee, is printed in the daily journal. The report is adopted upon a motion in the Senate. In the House of Representatives, without objection, a favorable committee report is considered adopted upon reading. If a fiscal note is required, the bill may not be reported out of committee without the fiscal note.

F. **Second reading, first house.** The Committee of the Whole in the sponsor's house debates the bill. Amendments may be moved and voted on. After any amendments are considered, the bill (as amended, if applicable) is voted on.

G. **Committee of the Whole report.** When a Committee of the Whole report is adopted that includes a majority vote for a favorable recommendation, any amendments are engrossed into the bill and it moves to third reading. A member may move to segregate legislation prior to the adoption of the Committee of the Whole report. If the motion prevails, the bill remains on second reading.

H. **Third reading, first house**. A bill may not be amended or debated on third reading. Each member's vote must be recorded and printed in the journal. An extraordinary (greater than majority) vote is required for certain bills. (A section in the bill will note the requirement.) The third reading vote determines whether or not this requirement has been met. Except on the last legislative day, second and third reading may not take place on the same day.

I. **Transmittal.** The bill is transmitted to the other house. Deadlines for transmittal of various types of bills are established in the Joint Rules. After the deadline, a bill may be considered by the receiving house only upon approval of two-thirds of its members present and voting. (Compliance with transmittal deadlines helps the Legislature to maintain a pace of work that facilitates completion of its business within 90 days.)

J. **First reading, second house, and referral to committee.** See step B.

K. **Committee hearing.** See step C. Because the bill's sponsor will not be present during Committee of the Whole debate in the second house, the bill's sponsor may want to arrange for a member in the second house to be a floor sponsor. The sponsor should notify the committee's presiding officer if a floor sponsor has been arranged. Otherwise, the committee presiding officer will designate a committee member to act as floor sponsor if the bill is recommended for further consideration by the appropriate house.

L. **Committee consideration and action.** See step D. If the committee recommends consideration by the appropriate house ("be concurred in", "be concurred in as amended", "be not concurred in", or "be not concurred in as amended"), a committee report is prepared. If there is another live bill with a conflicting provision, the committee will need to adopt an amendment providing a coordination instruction. The coordination instruction typically voids a provision if a conflicting provision is passed.

M. **Committee report.** See step E.

N. **Second reading, second house.** See step F.

O. **Committee of the Whole report.** See step G.

P. **Third reading, second house.** See step H. A bill passed on third reading in the second house, if not amended by the second house, will have passed both houses in an identical form. The bill then proceeds to step T "Enrolling". If the bill is amended in the second house, it is returned to the original house with a message requesting concurrence in the amendments. Deadlines are established in the Joint Rules for transmittal of various types of bills with amendments.

Q. **Consideration of amendments of second house by first house.** Concurrence with the amendments of the second house is first considered by the Committee of the Whole. If the Committee of the Whole recommends concurrence and there is a favorable vote on third reading, the bill proceeds to step T "Enrolling".

If a Committee of the Whole report is adopted that recommends the amendments not be concurred in, the first house usually appoints a conference committee and requests a conference with the second house.

R. **Conference committee.** Unless a free conference committee has been appointed, the conference committee is limited to consideration of the disputed amendments. The committee may recommend acceptance or rejection of disputed amendments in

their entirety or further amendment of disputed amendments. A free conference committee may discuss a bill in its entirety.

Conference committee meetings are joint meetings of separate committees. The presiding officer of the Senate committee is the chair of the conference committee. Each committee votes separately.

The time and place of conference committee meetings must be agreed upon and announced from the rostrum.

S. **Conference committee report.** If a conference committee report is agreed to by a majority of the committee members from each house, the committee report is debated by the Committee of the Whole in each house. If the Committee of the Whole recommends concurrence, upon a favorable vote on third reading, the bill proceeds to step T "Enrolling". If the conferees do not approve a committee report or the conference committee report is not adopted by either house, various approaches may be pursued. The bottom line is that the bill will not become law unless both houses approve the bill in the same form on third reading. This may be done by adopting the same conference committee report.

T. **Enrolling.** The bill is printed in the form that it was approved by both houses.

U. **Signature of presiding officers.** The enrolled bill is delivered to the presiding officer of the first house. The bill is signed and recorded in the journal and then transmitted to the other house. The presiding officer of the second house signs the bill and it is recorded in the journal. If the bill is a resolution, referendum, or constitutional amendment, the bill is transmitted to the Secretary of State. All other bills go to the Governor.

V. **Governor's action.** If the Governor signs the bill, it becomes law. If the Governor does not sign or veto a bill, it becomes law after 10 days. All laws are filed with the Secretary of State. (The work does not end here; see "Codification and Publication of Laws" later in this chapter.)

The Governor has the option of using three types of vetoes:

- **Veto.** Disapproval of the entire bill.
- **Item veto.** Disapproval of a specific appropriation.
- **Amendatory veto.** The Governor returns the bill to the Legislature with recommendations for amendment.

W. Consideration of Governor's amendments. Governor's amendments may be:

- recommended for approval on second reading and approved on third reading by both houses; or
- rejected by one or both houses of the Legislature.

The bill goes back to step V.

X. Veto override. The Legislature may override a veto or an item veto by a two-thirds vote of the members of each house present. If the Legislature is not in session and the bill was originally approved by two-thirds of the members of each house, the Secretary of State must convey the veto message and poll the members. If two-thirds or more of the members of each house vote to override the veto, the bill becomes law.

■ Amendment Drafting Services

Amendments are drafted by Legislative Services Division research analysts and attorneys at the request of legislators. (See the following section for amendments to appropriation bills.) Because an amendment may be considered only if a motion is made by a legislator, staff are not authorized to draft amendments at the request of a citizen, lobbyist, agency staff member, or any other person who is not a legislator.

A legislator who wishes to move an amendment (including an amendment that has been written by a lobbyist, agency staff member, or any other person) must authorize Legislative Services Division staff to prepare the amendment. This should be done before the body takes action on the bill. This is easily done by contacting the amendments coordinator or by signing a short note and having it delivered to the drafter by a page. (The legislator may also contact the drafter by phone, in person, or by electronic mail.)

Amendments are almost always drafted by the research analyst or attorney assigned to the committee that is considering the bill. That person continues to draft amendments to the bill for the Committee of the Whole or a conference committee until another standing committee amends the bill. Sometimes amendments are assigned to other staff based on workload and expertise.

Any legislator who is not sure whom to contact for amendment drafting may contact the amendments coordinator for the member's house or the Legislative Services Division.

If approved, an amendment to a bill becomes part of the proposed law. A substantial amount of time and effort is devoted to drafting bills and resolutions so that Montana's laws can be clear and consistent; amendments deserve the same attention. Although many suggested amendments appear to be simple, some behind-the-scenes work and careful review by trained staff are necessary to write

amendments that result in clear and consistent laws.

Amendments drafted by Legislative Services Division staff are reviewed by legislative technical editors. Staff will perform the following services:

- ensure that changes made by an amendment are reflected in the bill's title in order to comply with the Montana Constitution;
- evaluate whether or not the amendment would change the original purpose of the bill in violation of the Montana Constitution;
- review the entire bill and references to sections that occur in other laws to ensure that any changes are made consistently in order to avoid conflicts in the laws;
- identify the need for coordination instructions when provisions of two bills conflict;
- ensure compliance with format and style guidelines;
- review the entire bill in light of the proposed amendment to identify any portions that require clarification; and
- if desired, suggest additional amendments that are necessary or desirable in order to accomplish the requester's goal.

The Appropriation Process

This section provides general information about the appropriation process. More detailed information may be obtained from the Legislative Fiscal Division, which prepares excellent training materials for legislators.

All appropriation bills must be sponsored by a representative and introduced in the House of Representatives. Deadlines for transmittal of appropriation bills are later than the deadlines for general bills. Current rules do not establish a deadline for requesting appropriation bills.

General Appropriations Bill

The general appropriations bill (by tradition House Bill No. 2) is the vehicle through which the majority of appropriations that fund state government agencies are made. Because of the size and complexity of House Bill No. 2, the bill is reviewed following a process that is different from other bills. The bill is divided into sections composed of the budgets of agencies with similar functions. Each section is reviewed by a subcommittee consisting of members of the Senate Finance and Claims and House Appropriations Committees. (See **Figure 7-2** for a list of the joint subcommittees.) The presiding officer of each subcommittee is a member of the House of Representatives.

Traditionally, the steps for consideration of House Bill No. 2 during the legislative session are as follows:

❶ **Review and recommendation by appropriations joint subcommittees.** The subcommittees hear testimony from agency staff and the public.

❷ **Consideration by House Appropriations Committee.** The committee prepares a substitute bill for consideration by the Committee of the Whole.

❸ **Consideration by House of Representatives.** The bill is debated and amended in the Committee of the Whole, then considered by the House of Representatives on third reading.

❹ **Transmittal to Senate and referral to Senate Finance and Claims Committee.**

❺ **Consideration by Senate Finance and Claims Committee.** The committee amends the bill and reports to the Senate.

❻ **Consideration by Senate.** The bill is debated, and any amendments are considered in the Committee of the Whole, then considered by the Senate on third reading.

❼ **Free Conference Committee.** The free conference committee may recommend amending the bill in order to implement other bills with a fiscal impact that have been approved without an appropriation. When both houses adopt the free conference committee report, the process is the same as for other bills.

The Legislative Fiscal Division produces several documents that provide useful information for the appropriation process, including the *Legislative Budget Analysis*, available at the beginning of the legislative session, and the *House Bill No. 2 Narrative*.

Figure 7-2. Joint Appropriations Subcommittees

- Education
- General Government
- Health and Human Services
- Judicial Branch, Law Enforcement, and Justice
- Long-Range Planning
- Natural Resources and Transportation

■ Other Appropriations

Certain appropriation bills are traditionally considered by the Joint Appropriations Subcommittee on Long-Range Planning before they are referred to the House Appropriations Committee.

Other appropriation bills follow the same path as any other bill. Bills may be referred to another standing committee in addition to the Senate Finance and Claims Committee or the House Appropriations Committee.

■ Amendments

All amendments to House Bill No. 2 are drafted by fiscal analysts from the Legislative Fiscal Division. For amendments to other appropriation bills, a legislator may contact the amendments coordinator, the Legislative Fiscal Division, or the Legislative Services Division.

How to Read a Bill

A few tips for reading a bill follow.

Title

The title must clearly summarize the contents of the bill. Reading the title is a good way to get an overview of what is proposed.

Preamble

Resolutions and some bills include a preamble. The preamble follows the title and includes one or more clauses that begin with "WHEREAS". The preamble is a preliminary statement of the reasons for enactment of the law.

Underlined Words

New words that are to be included in an existing section of law are underlined, while the language in current law is not underlined, as illustrated:

> An interim committee shall review administrative rules <u>and draft legislation</u>.

Underlined and Capitalized Words

Words that are added to a bill by amendment after introduction are underlined and printed in capital letters, as illustrated:

> An interim committee shall review administrative rules <u>AND DRAFT LEGISLATION</u>.

Stricken Words

Words that will be deleted from the bill or from an existing section of law are stricken as illustrated:

> An interim committee shall review administrative rules ~~and monitor agency functions~~.

Sections

Each bill is broken into sections. A section may include proposed amendments to a single section of existing law (a numbered section of the MCA), or a section may propose a new section of law. A new section is identified as illustrated.

> <u>NEW SECTION.</u> **Section 2. Reports to legislative council.** Each interim committee shall provide periodic written reports to the legislative council.

The text of a new section is not underlined unless it is amended during the legislative process.

Definitions

Some sections of law contain definitions that apply to specified chapters, parts, or sections. An understanding of applicable definitions can be essential to interpreting the policy to be established by the bill.

Nonsubstantive Changes

Whenever a section of existing law is amended in a bill, Legislative Services

Division staff are required to amend the language, without changing its meaning, as necessary to comply with the format and style guidelines in the *Bill Drafting Manual*. This is also a means of "cleaning up" archaic language in the existing MCA. Therefore, some of the underlined and stricken text may indicate nonsubstantive changes.

Repealer

If the bill proposes to repeal sections of existing law, it will include a separate section labeled "repealer", which contains a list of the repealed sections and their catchlines. Repealed sections must also be listed in the title. The text of the repealed section is not included in the bill. Legislators may ask committee staff to provide them with a copy of the text of the repealed section.

MCA Numbering

The MCA is divided into titles. Titles are further divided into chapters. Chapters are further divided into parts.

For example, the laws in Title 75 deal with environmental protection. Within Title 75, there are numerous chapters; one of these (chapter 2) is devoted to air quality laws. Within chapter 2, there are several parts. One of these parts is devoted to asbestos control.

The title, chapter, and part can be determined from the MCA section number. For the MCA section aa-bb-ccc:

- "aa" refers to the number of the title;
- "bb" refers to the chapter number; and
- the first "c" refers to the part number.

Information About Bills: Fiscal Notes and Other Statements

Fiscal Notes

A fiscal note is an analysis of a bill's dollar impact on state or local revenue, expenditures, or fiscal liability. Except for bills that appropriate a specific dollar amount, a fiscal note must be prepared for every bill that affects the revenue, expenditures, or fiscal liability of the state, a county, or a municipality.

A FISCAL NOTE IS AN ANALYSIS OF A BILL'S DOLLAR IMPACT ON STATE OR LOCAL REVENUE, EXPENDITURES, OR FISCAL LIABILITY.

Fiscal notes must be requested by the presiding officer of the house at the time of introduction. The presiding officer determines the need for a fiscal note, based on the recommendation of Legislative Services Division staff. A fiscal note may also be requested through the presiding officer by:

- a committee considering the bill;

- a majority of the members of the house considering the bill on second reading; or
- the chief sponsor of the bill.

The notes are prepared at the direction of the Governor's Budget Director by the staff of the Governor's Office of Budget and Program Planning in cooperation with agencies affected by the bill. The Budget Director has 6 days after the fiscal note request is received to return the analysis unless an extension is granted by the presiding officer.

A fiscal note shows, in dollar amounts when possible:

- the estimated increase or decrease in revenue or expenditures;
- costs that may be absorbed without additional funds; and
- long-range financial implications.

The fiscal note may not contain comments or opinions on the merits of the bill; however, technical defects may be noted.

The Budget Director submits the fiscal note to the presiding officer, who notifies the sponsor. Within 1 day of notification, the sponsor must:

- ask to consult with the Budget Director;
- elect to prepare the sponsor's own fiscal note; or
- notify the presiding officer (by signing the fiscal note) that the sponsor concurs.

A sponsor who either does not understand the fiscal note on the bill or does not agree with the conclusions represented in the fiscal note is encouraged to contact the Office of Budget and Program Planning to discuss the fiscal note with the preparer of the fiscal note. This may help resolve any misunderstandings by the sponsor or preparer concerning the fiscal note or the bill.

After the applicable time limits, the presiding officer directs that the fiscal note be printed, distributed, and referred to the committee considering the bill. This is done whether or not the sponsor concurs.

A sponsor who elects to prepare a fiscal note rebuttal must submit the note to the presiding officer within 4 days unless an extension is granted. Upon receipt of the sponsor's fiscal note rebuttal, the presiding officer directs that the fiscal note rebuttal form be printed, distributed, and referred to the committee considering the bill.

Background information used in developing a fiscal note may be obtained from the Office of Budget and Program Planning.

If adopted amendments to the bill may change its fiscal impact, a revised fiscal note may be requested. The process for requesting a revised fiscal note is the same as for requesting a fiscal note.

Fiscal notes are available wherever bills are distributed. The text of fiscal notes and the status of fiscal note requests are available for each bill on the LAWS section

of the Legislative Branch website under "Look Up Bill Information".

Local Government Fiscal Impact Statement

At the time that the bill is presented for introduction, a local government fiscal impact statement must accompany any bill that imposes a requirement on a local government unit for a direct expenditure of additional funds without a specific means to finance the activity, service, or facility.

The estimate must be prepared by the Budget Director in cooperation with the local government or school district affected by the bill. The Budget Director has 10 days after the local government fiscal impact statement request is received to prepare the statement unless an extension is granted by the presiding officer.

Codification and Publication of Laws

Session Laws

Immediately following approval of legislation or adoption of a legislative or constitutional referendum, the legislation is filed with the Secretary of State. The Secretary of State assigns a chapter number to each act in the order that it is received by the Secretary of State's office. Resolutions are cited by the number assigned by the Senate or the House at the time of introduction and are not given chapter numbers.

Publication of all chapters and resolutions from a session of the Legislature is accomplished as soon as possible by the Legislative Services Division in a set of volumes known as the "Session Laws".

The Session Laws contain tables of MCA sections affected and previously uncodified session laws affected, cross-references between bills and chapter numbers, tables of effective dates, and tables showing where each new section of every bill has been codified in the MCA.

Montana Code Annotated (MCA)

The Code Commissioner, a statutory officer within the Legislative Services Division, directs the Legislative Services Division staff in the compilation of newly enacted laws and amended laws within the framework of the MCA.

The MCA is the systematic arrangement of all permanent state laws currently in effect in Montana. The MCA is published in two parts: the code itself and the annotations to the code. A new edition of the code is printed every odd-numbered year, with new laws added, repealed laws deleted, and amended statutes updated. An entry in the MCA includes the statute, its legislative history, and any compiler's comments and cross-references to related code sections.

The annotations incorporate background materials related to the statutes, including pertinent official comments, amendment

summaries, case notes, references to administrative rules, digests of Attorney General's opinions, and citations to law review articles and legislative publications.

The index to the MCA and the Montana Constitution provides the user with a convenient reference, by subject, to all material codified. The index is composed of a general index, an index of words and phrases defined in code, and a popular names and short titles index.

■ Other Publications

Other publications that are useful to those who want to recall or learn what happened during the legislative session are the journals for each house, the *Montana Legislative Review*, and the *History and Final Status of Bills and Resolutions.*

CHAPTER 8: STANDING COMMITTEES

Introduction

This chapter provides background information about standing committees of the Montana Legislature. The focus is on standing committees that meet regularly to hear bills on the assigned subject matter. Certain committees[12] have differing responsibilities that are not addressed here.

The information presented in this chapter is based on the rules that were adopted for the 62nd Legislature. The rules for the 63rd Legislature may be different from these rules. Legislators are advised to consult the adopted rules.

Role of Committees

A standing committee plays a key role in the legislative process in the following ways:

- serving as the primary forum for face-to-face participation by citizens in the legislative process;
- using the collective expertise of its members to review, analyze, and amend proposed legislation regarding subjects within the committee's purview;
- recommending the passage or disapproval of bills; and
- providing an opportunity for citizens to observe the workings of a representative democracy.

Standing Committees of the Montana Legislature

The standing committees are established in the rules for each house of the Legislature. Committees established for the 63rd Legislature are listed in **Table 8-1**.

Appointments

In the Senate, committee members and a presiding officer and vice presiding officer are appointed by the Committee on Committees, with the approval of the Senate.

STANDING COMMITTEES PLAY A KEY ROLE IN THE LEGISLATIVE PROCESS.

The Speaker of the House appoints committee members and a presiding officer, vice presiding officer, and minority vice presiding officer. The minority vice presiding officer is appointed by taking into consideration the recommendation of the House Minority Floor Leader.

[12] Committees with differing responsibilities include those that deal with appropriations, ethics, legislative administration, and rules.

Table 8-1. Standing Committees of the 62nd Legislature

Senate	House
Agriculture, Livestock, and Irrigation	Agriculture
Business, Labor, and Economic Affairs	Business and Labor
Education and Cultural Resources	Education
Energy and Telecommunications	Federal Relations, Energy, and Telecommunications
Ethics	Ethics
Finance and Claims	Appropriations
Fish and Game	Fish, Wildlife, and Parks
Highways and Transportation	Transportation
Judiciary	Judiciary
Legislative Administration	Legislative Administration
Local Government	Local Government
Natural Resources	Natural Resources
Public Health, Welfare, and Safety	Human Services
Rules	Rules
State Administration	State Administration
Taxation	Taxation

■ Schedule and Workload

Committees hear and act on bills referred by the President of the Senate or the Speaker of the House. The workload varies widely among committees. Some committees only meet "on call", while others meet 2, 3, or 5 days a week. Most committees are scheduled to meet at a regular time and place for the duration of the legislative session. The schedule minimizes the possibility of conflicts between committee meetings, making it possible for legislators and staff to attend the meetings of committees to which they are assigned.

Roles of Officers and Staff

Presiding Officer

The committee presiding officer is responsible for:

- generally managing committee work;
- directing committee staff;
- maintaining order in the committee room and vicinity;
- presiding over the meeting;
- deciding questions of order;
- monitoring the committee's workload and the pace of action on bills and resolutions and ensuring that proposed legislation is acted on as soon as possible so that a backlog does not occur;
- scheduling hearings for bills and resolutions and, as often as possible, scheduling the hearing in coordination with the availability of the measure's fiscal note when one is required;
- directing the committee secretary to provide notice of committee hearings in compliance with applicable rules;
- authenticating committee reports and committee minutes by signing them and ensuring in the committee report that a new or revised fiscal note is needed and should be requested by the President of the Senate or the Speaker of the House of Representatives for bills for which the committee passed an amendment that possibly adds or changes fiscal impact; and
- appointing subcommittees if needed.

Majority Vice Presiding Officer

In past sessions, Senate committees have had one vice presiding officer, from the majority party, and House committees have had two vice presiding officers, one for the majority and one for the minority.

The majority vice presiding officer presides over committee meetings when the presiding officer is absent or is presenting a bill to the committee.

Minority Vice Presiding Officer

The minority vice presiding officer serves as a contact for the minority members of House committees. For example, minority members may give their proxy votes to the minority vice presiding officer.

Committee Secretary

The committee secretary is responsible for:

- providing notice of hearings as directed by the presiding officer;
- notifying bill sponsors of hearing dates and times;
- maintaining a record of witnesses;
- recording committee votes;
- preparing committee reports and ensuring that amendments are contained in the committee reports;
- maintaining a notebook or file of all bills and resolutions referred to the committee along with fiscal notes for bills reported out of committee;

- preparing minutes for committee meetings; and
- ensuring that the meeting room is ready.

If a committee member or bill sponsor has special needs for a meeting room (e.g., equipment, larger room for a controversial bill), the committee secretary should be contacted.

The committee secretary is hired by the appropriate house of the Legislature.

Committee Research Analyst, Fiscal Analyst, or Attorney

A research analyst or attorney from the Legislative Services Division is assigned to most standing committees. A fiscal analyst from the Legislative Fiscal Division is assigned to committees or joint subcommittees that deal with appropriations.

The research analyst or attorney performs the following duties for the assigned committee:

- drafting proposed amendments before committee action on a bill or resolution;
- drafting amendments to bills or resolutions that have been acted on by the committee for consideration on second reading;
- drafting any committee bills;
- reviewing bills and resolutions assigned to the committee and providing advice to the committee regarding constitutionality, internal consistency, the possibility of conflict with or duplication of existing provisions, and compliance with the guidelines of the *Bill Drafting Manual*;
- providing answers to questions about rules of procedure; and
- assisting the committee or an individual committee member in obtaining information pertaining to bills or resolutions under consideration by the committee.

The fiscal analyst performs similar duties, specifically focusing on the appropriation process and fiscal matters.

The committee research or fiscal analyst or attorney and the committee secretary work together; however, each has distinct duties. For example, the committee secretary cannot draft amendments, and the research analyst, fiscal analyst, or attorney cannot provide notice of hearings.

Rules of Procedure

The authorities governing legislative procedures are described in Chapter 6. A chapter of the rules for each house is dedicated to committees. Committees often adopt procedural rules or summaries of procedural rules that can be distributed to citizens, lobbyists, and others. These rules must be consistent with any applicable requirements.

General information about procedure is presented immediately below as well as under the appropriate topic heading.

Dialogue

Committee members may speak only after recognition by the presiding officer.

Quorum and Attendance

A quorum must be present in order to take action. A quorum is not required to hear testimony. However, presiding officers often wait for a quorum before beginning testimony so that a majority of members have the opportunity to become informed.

A quorum is a majority of the members of the committee. In the Senate, the majority and minority floor leaders may count toward establishing a quorum if they are present. In the House of Representatives, the Speaker of the House, the House Majority Floor Leader, and the House Minority Floor Leader may count toward establishing a quorum if they are present.

Sometimes members must miss committee meetings in order to present a bill to another committee or to conduct other legislative business. Committee members should notify the presiding officer of anticipated absences.

Voting

All votes must be recorded. Votes may be taken by voice, show of hands, or roll call. Any member may request a roll call vote.

Senate committees may vote to authorize senators to vote in absentia when engaged in other legislative business. House Rules authorize committee members to vote by proxy, either by using a standard form or through one of the two vice presiding officers.

Question of Order

A question of order is decided by the presiding officer, subject to appeal to the committee.

Committee Meetings

Meetings of legislative committees are subject to Montana's open meetings law. All meetings must be open to the public, and notice must be provided. Committee members can remain apprised of committee meetings by listening to announcements by presiding officers during the daily floor sessions.

Hearings

Hearings are scheduled by the presiding officer. Public notice of the hearing must be given. The current Senate Rules and House Rules encourage a notice of 3 days.

Hearings provide an opportunity for members to learn about the pros, cons, and potential effects of proposed legislation from the sponsor, lobbyists, experts, and other citizens.

Hearings may vary considerably in length depending on the complexity or level of controversy associated with the proposed legislation. In order to make the best use

of time, the presiding officer may allocate a specified amount of time for testimony, to be divided equally between proponents and opponents. Witnesses may be encouraged to avoid duplicating testimony that has already been given by preceding witnesses.

IN ORDER TO MAKE THE BEST USE OF TIME IN A HEARING, THE PRESIDING OFFICER MAY ALLOCATE A SPECIFIED AMOUNT OF TIME FOR TESTIMONY, TO BE DIVIDED EQUALLY BETWEEN PROPONENTS AND OPPONENTS.

Steps in the hearing process are detailed below.

❶ **Opening statement of sponsor.** The sponsor of the bill or resolution presents an opening statement. A sponsor may introduce a person who brought the bill or issue to the sponsor's attention. The person identified by the sponsor should be the first person to testify.

❷ **Testimony by proponents.** Proponents of the bill or resolution testify, beginning with the proponent introduced by the sponsor if applicable.

❸ **Testimony by opponents.**

❹ **Statements of informational witnesses.** An interested person may testify solely for the purpose of providing information that is relevant to the proposed bill or resolution. For example, an employee may provide facts and data about an Executive Branch program that is addressed by the proposed legislation. After hearing the testimony of an informational witness, if the presiding officer determines that the witness has spoken in favor of or in opposition to the proposed legislation, the presiding officer may designate such a witness as a proponent or an opponent.

❺ **Questioning by committee members.** Subject to approval by the presiding officer, committee members may ask questions of the sponsor, witnesses, or others present in the room. The questions must be related to the bill or resolution. Committee members should not engage in a free-flowing dialogue with witnesses, but must seek the approval of the presiding officer for each question asked.

Committee members usually direct their questions to those who are not committee members or staff. This practice ensures that time is allocated to questioning those who may be present only for the hearing (e.g., constituents who have traveled from out of town to testify). However, the presiding officer may authorize a member to ask a question of any appropriate person.

A committee member may use this opportunity to ask a witness who has raised a concern about the proposed legislation if the witness's concern could be addressed by an amendment.

Witnesses must confine their answers to the questions and may not ask questions of others. If a witness does not know the answer to the question, a committee member may ask that information be provided to the committee before executive action is taken.

❻ **Closing statement of sponsor.** The sponsor of the bill or resolution may make a closing statement or may waive this right.

❼ **Closing the hearing.** The presiding officer may announce when the committee will take executive action on a bill or resolution. Immediately following the hearing on a bill or resolution is a good time for a committee member to notify the committee research analyst, fiscal analyst, or attorney of the member's desire for additional information related to the bill or resolution or for proposed amendments to be drafted or discussed. It is helpful to notify staff of any potential request at this time. Once the committee moves on to other business, it is easy to forget about these needs until executive action is taken.

EXCEPT FOR BILLS THAT APPROPRIATE A SPECIFIC DOLLAR AMOUNT, A FISCAL NOTE MUST BE PREPARED FOR EVERY BILL THAT AFFECTS THE REVENUE, EXPENDITURES, OR FISCAL LIABILITY OF THE STATE, A COUNTY, OR A MUNICIPALITY.

Executive Action on Bills

During the executive action session, the committee:

- discusses bills and resolutions under consideration if desired;
- asks questions, if there are any, of the committee research analyst, fiscal analyst, or attorney; and
- acts on proposed amendments to bills and resolutions.

Information

Except for bills that appropriate a specific dollar amount, a fiscal note must be prepared for every bill that affects the revenue, expenditures, or fiscal liability of the state, a county, or a municipality. The fiscal note must be prepared before the bill is reported out of the committee.

A local government fiscal impact statement must be prepared for any bill that imposes a requirement on a local government unit for a direct expenditure of additional funds without a specific means to finance the

activity, service, or facility. The impact statement must accompany the bill at the time that it is presented for introduction.

See Chapter 7 for more information about fiscal notes and local government fiscal impact statements.

The presiding officer of a committee may subpoena a witness, although this is rarely necessary.

■ Questions

The executive action session is open to the public but is not a public hearing. The procedures governing questioning of observers varies from committee to committee. The procedural rules for some committees allow questioning of witnesses without objection by the committee. Other committees leave this matter to the discretion of the presiding officer. Questioning of noncommittee observers used to be uncommon; however, in recent sessions, this practice was common in some committees. By addressing this issue in the committee procedural rules, the committee can articulate a standard for fairness.

■ Amendments

Committee members may move amendments to a bill or resolution during executive action.

Amendments should be prepared by the committee research analyst, fiscal analyst, or attorney before the meeting during which executive action is taken. Before a committee report can be generated, the research analyst, fiscal analyst, or attorney must prepare all amendments using specially designed software and have the amendments edited. Although many suggested amendments appear to be simple, in most cases, amendments written by agency staff, other witnesses, or legislators must be revised in order to ensure that the proposed legislation is clear, complete, and internally consistent, does not conflict with other laws, and is in compliance with guidelines in the *Bill Drafting Manual*. By requesting that amendments be drafted before executive action is taken, committee members can avoid delaying or reconsidering executive action on a bill or resolution.

◘ Committee Action and Recommendation

After all proposed amendments have been moved and acted upon, action is taken on the bill or resolution. If amendments were approved, the committee acts on the proposed legislation as amended. Committee actions are recommendations, subject to action or approval by the appropriate Committee of the Whole.

Motions for committee action are listed in **Table 8-2**. Motions to dispose of a bill or resolution for the purposes of committee action are listed first. Certain motions are discouraged because they result in the use of valuable time during floor sessions for disfavored bills or because they represent unnecessary steps. These motions are

indicated with the symbol "✗" in the table and are displayed in regular type. All motions are debatable unless otherwise noted.

COMMITTEE ACTIONS ARE RECOMMENDATIONS, SUBJECT TO ACTION OR APPROVAL BY THE APPROPRIATE COMMITTEE OF THE WHOLE.

Other Committee Activities

Work Sessions

A committee may meet to discuss bills, resolutions, or other matters, yet take no official actions. For example, a committee that expects to hear several bills on a complex topic may want to schedule an information presentation early in the legislative session.

Subcommittees

A subcommittee may be appointed to work on a complex bill. The subcommittee may develop proposed amendments. These amendments are treated in the same way as amendments moved by an individual committee member.

Committee Bills

A committee may request that legislation be drafted and introduced upon a vote of three-fourths of all committee members. A deadline for requesting committee bills is established in the Joint Rules.

Table 8-2. Motions for Committee Action on Bills and Resolutions

Motion	Result
Motions to Dispose of Bills	
Do pass	Bill or resolution moves to first house for floor action with recommendation that it be approved.
Do pass as amended	Bill or resolution moves to first house for floor action with recommendation that it be approved as amended.
✗ Do not pass	Bill or resolution moves to first house for floor action with recommendation that it not be approved.
✗ Do not pass as amended	Bill or resolution moves to first house for floor action with recommendation that it not be approved as amended.

Motion	Result
Be concurred in	Bill or resolution received from first house moves to second house for floor action with recommendation that it be approved.
Be concurred in as amended	Bill or resolution received from first house moves to second house for floor action with recommendation that it be approved as amended.
✗ Not be concurred in	Bill or resolution received from first house moves to second house for floor action with recommendation that it not be approved.
✗ Not be concurred in as amended	Bill or resolution received from first house moves to second house for floor action with recommendation that it not be approved as amended.
To table or lay on the table (nondebatable motion)	Consideration of bill or resolution is set aside. Consideration may be resumed at the will of the committee. In addition to setting aside bills that are later taken up, this motion is traditionally the motion used to dispose of a bill without requiring consideration by the Committee of the Whole. However, the full house can vote to remove the bill or resolution from the committee.
To postpone indefinitely (Senate)	Prevents further discussion of the question. (This is a debatable motion that may be used to finally dispose of a bill or resolution without requiring consideration by the Committee of the Whole.)
✗ Refer [bill or resolution] to [appropriate committee]	Recommendation that legislation be referred to another committee. Traditionally, the presiding officer of the committee that has the bill or resolution consults with the presiding officer of the appropriate receiving committee and the presiding officer of the appropriate house before making a motion in that house. Because a committee report is only a recommendation, a committee report recommending referral may be an unnecessary step.

Motion	Result
Other Motions	
To amend [refer to distributed written amendments[13] or specify the proposed change]	Proposes to change bill or resolution in a specified manner.
To take from the table (nondebatable motion)	Resumes consideration of previously tabled bill or resolution.
Postpone action until [date] (debatable in the Senate; nondebatable in the House of Representatives)	Consideration of bill or resolution is delayed to a specified date. (This motion may be used when a committee decides that it wants more information before taking further action.)
Reconsider action	Brings up bill or resolution that was previously voted on but that has not yet been reported from the committee.
Place on the consent calendar (House of Representatives only)	Noncontroversial bills and resolutions (except for appropriation and revenue bills) that have received a unanimous "do pass" or "do pass as amended" vote may be recommended for the consent calendar by a unanimous vote. If any one representative submits a written objection, the legislation must be removed from the consent calendar and placed on second reading.

✗ Discouraged motions

Committee Reports and Minutes

A report is prepared for each bill or resolution that is recommended for action by the appropriate house. A committee report must make a recommendation. When the report is made, it is printed in the daily journal for the house that is receiving the committee report. Reports from standing committees are recommendations, subject to action or

[13] All amendments prepared by Legislative Services Division staff have a label in the lower right-hand corner that indicates the bill number, amendment version number, and drafter's initials. In the following example, the amendment version is underlined and the drafter's initials are double underlined: HB054301.amv.

approval by the appropriate house or Committee of the Whole.

A committee report must also indicate, when appropriate, that the committee amended the bill being reported and that a new or revised fiscal note needs to be requested by the presiding officer of the house receiving the committee report.

The committee secretary prepares minutes of committee meetings. Committee minutes are an electronic recording of the meeting with a written log, which serves as an index to the recording.

The minutes must include:

- date, time, and place of each committee meeting;
- committee members present, excused, or absent;
- names and addresses of persons appearing before the committee, whom each person represents, and whether the person is a proponent, opponent, or other witness;
- motions and their dispositions;
- results of all votes; and
- testimony and exhibits.

CHAPTER 9: FLOOR SESSIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Introduction

This chapter provides a general overview of what takes place during the daily floor sessions of the Senate and the House of Representatives.

Much of the information presented in this chapter is based on the rules that were adopted for the 62nd Legislature. The rules for the 63rd Legislature may be different from these rules. Furthermore, the information presented is general and not comprehensive. Exceptions are not generally noted. Legislators are advised to consult the adopted rules.

Thorough knowledge of the rules of legislative procedures is essential to gaining a complete understanding of the workings of each house during daily floor sessions. The authorities governing legislative procedures are described in Chapter 6.

Senate Floor Sessions

Senate Chamber and Gallery

The Senate has been meeting in the current Senate Chamber since 1912. Original features, including the chandelier and paintings documenting Montana's history, evoke traditions developed over decades.[14] The chamber provides an appropriate setting for the daily floor sessions, which are generally more formal than other legislative activities. The floor sessions are televised as described in Chapter 10.

Access to the Senate Chamber is limited. During the period of time that begins 1 hour before the Senate is in session and ending 1/2 hour after the Senate adjourns, no one is permitted in the chamber except:

- present legislators;
- legislative officers and employees whose presence is necessary for the conduct of business of the session;
- registered members of the news media; and
- former legislators who are not currently registered as lobbyists.

[14] Montana Historical Society. *A Short History & Self-Guided Tour of Montana's State Capitol*, 2002.

Senate Chamber

Ceiling in the Senate Chamber

The President of the Senate may make exceptions for visiting dignitaries.

Anyone who wishes to observe the proceedings of the Senate may sit in the Senate Gallery.

■ Convening the Senate

Senators must be present for each session of the Senate unless they are excused. A quorum of the Senate is 26 members.

Each daily session of the Senate begins with a prayer, pledge of allegiance to the flag, roll call, and report on the journal. The Senate then follows the order of business established in the Senate Rules.

Each order of business is described below under "Order of Business".

Although this is not often done, senators may compel the attendance of all absent members by ordering a call of the Senate.

A call of the Senate may be ordered whether or not a quorum is present. A senator who refuses to attend on a call of the Senate may be arrested and held liable for expenses incurred in securing the senator's attendance.

■ Floor Action

The President of the Senate presides over the Senate and has the authority to maintain order.

A senator who wishes to speak may indicate this by standing or raising the microphone. The senator must rise and address the presiding officer. Members do not address each other directly, but always direct their communications through the presiding officer. In general, senators are limited to speaking no more than twice on a motion. A senator who has spoken may not speak again on the same motion to the exclusion of a member who has not spoken.

■ Order of Business

To revert to or pass to a new order of business requires a majority vote on a motion to do so. The motion must be allowed at the time that it is made. The following orders of business are provided for in the Senate Rules:

No. 1. **Communications and petitions.** Various types of communications may be read.

No. 2. **Reports of standing committees.** The presiding officer of the committee that is reporting traditionally moves adoption of the committee report. There is no debate unless an adverse committee report has been submitted.

No. 3. **Reports of select committees.** Conference committee reports are read but are not voted on during this order of business.

No. 4. **Messages from the Governor.** Matters addressed in messages from the Governor include nominations by the Governor and the Governor's action on specific bills. This order of business is devoted to receiving the message. The Senate does not take action on the matter that is addressed in the message until the appropriate order of business.

No. 5. **Messages from the House of Representatives.** Common examples of matters addressed in these messages include transmittal of bills or resolutions from the House of Representatives, actions on Senate bills, actions on Governor's amendments, appointment of conference committees, actions on conference committee reports, and concurrence in or rejection of Senate amendments to House bills or resolutions. This order of business is devoted to receiving the message. The Senate does not take action on the matter that is addressed in the message until the appropriate order of business.

No. 6. **Motions.** Numerous motions are in order under this agenda item. Examples include motions to:

- redirect legislation (e.g., rerefer to another committee, move from second reading to a committee, etc.);
- change the vote of an individual legislator;
- add the names of cosponsors to a bill;
- reconsider action by the Senate on a specific matter;
- appoint conference committees; and
- override a veto.

No. 7. **First reading and commitment of bills.** Each introduced bill or resolution and the committee to which it has been referred are announced.

No. 8. **Second reading of bills (Committee of the Whole).** The Senate resolves itself into a Committee of the Whole. The President of the Senate appoints a senator to preside over the Committee of the Whole. It is under this order of business that debate occurs on bills and resolutions and that amendments may be offered to proposed legislation. Conference committee reports, amendments made by the House of Representatives to Senate bills or resolutions, and the Governor's recommended amendments may also be considered.

After the sponsor makes an opening statement on the bill, amendments are offered. After all amendments are considered, the Committee of the Whole considers the bill in its entirety.

A senator may ask a question of another senator by directing a question through the presiding officer. For example:

> [Mr. or Madam] Chair, would Senator Jones yield to a question?

The following guidance regarding the conduct of members during debate is derived from *Mason's Manual of Legislative Procedure:*

- Confine remarks to the question before the house and avoid personalities.
- Do not use indecent language with regard to the body (the Legislature or the Senate) or its members.
- The nature or consequences of a measure may be condemned in strong terms, but the motives of a member may not be arraigned.[15]

The Senate Rules limit the motions that are permitted in the Committee of the Whole. However, in practice, additional motions have been allowed.

Following a motion to "rise and report" or "rise and report progress and ask leave to sit again", the presiding officer moves adoption of the committee report for the Committee of the Whole. Prior to adoption of the Committee of

[15] National Conference of State Legislatures. *Mason's Manual of Legislative Procedure*, 2000 and 2012 editions, sections 123-124.

the Whole report, a member may move that a bill or resolution be segregated from the report and left on second reading for further consideration.

No. 9. **Third reading of bills.** The Senate votes on bills, resolutions, House amendments to Senate bills and resolutions, conference committee reports, and Governor's amendments. Debate is not permitted, and amendments may not be offered. Each member's vote is recorded in the journal.

An excused senator may vote by "pairing" with another senator. The excused senator may enter into a written agreement with a senator who is on the opposing side of the motion. In this agreement, the opposing senator agrees not to vote on the motion during the excused senator's absence, so the two votes offset each other. The agreement must be dated, signed, and filed with the Secretary of the Senate.

No. 10. **Unfinished business.** This order of business is rarely used in the Senate.

No. 11. **Special orders of the day.** Confirmations of Governor's nominations for appointments, speeches from visitors, memorial services, and other special events take place during this order of business.

No. 12. **Announcement of committee meetings.** Committee presiding officers announce meetings.

■ Adjournment

When all business has been conducted, a motion to adjourn is made. The Senate may adjourn until the date and time of the next meeting or until the next session of the Legislature (sine die).

House of Representatives Floor Sessions

■ House Chamber and Gallery

The House of Representatives has been meeting in the current House Chamber since 1912. Original features, including Vermont marble columns, glass skylights, and oak furnishings, contribute to an atmosphere based on decades of tradition.[16] The daily House

[16] Montana Historical Society. *A Short History & Self-Guided Tour of Montana's State Capitol*, 2002.

floor sessions are generally more formal than other legislative activities. The floor sessions are televised as described in Chapter 10.

State Capitol, House Chamber

Access to the House Chamber is limited. The following persons may be admitted to the floor of the House of Representatives during a daily session:

- present and former legislators;
- legislative employees necessary for the conduct of the session;
- registered media representatives; and
- the spouses and children of members.

The Speaker of the House may allow exceptions to this rule.

Anyone who wishes to observe the proceedings of the House of Representatives may sit in the House Gallery.

Only a member may sit in a member's chair when the House of Representatives is in session.

Lobbying on the floor of the House of Representatives and in the anteroom is prohibited during the period of time that begins 2 hours before a daily session and ends 2 hours after a daily session.

A paper concerning proposed legislation may be placed on the desks of representatives only if it is authorized by a representative and permitted by the Speaker of the House. Furthermore, signs, placards, and similar objects are not permitted on the floor of the House of Representatives, in the lobby, or in the House Gallery.

■ Convening the House of Representatives

Representatives must be present for each session of the House of Representatives unless they are excused. A quorum of the House of Representatives is 51 members.

Each daily session of the House of Representatives begins with an invocation, pledge of allegiance to the flag, and roll call. The House of Representatives then follows the order of business established in the House Rules. Each order of business is described below under "Order of Business".

Although this is not often done, representatives may compel the attendance of all absent members by ordering a call of the House. A call of the House may be ordered whether or not a quorum is present.

■ Floor Action

The Speaker of the House presides over the House of Representatives and has the authority to maintain order.

A representative who wishes to speak may indicate this by standing or raising the microphone. The representative must rise and address the presiding officer. Members do not address each other directly, but always direct their communications through the presiding officer. The presiding officer has the authority to decide if the member will be recognized.

Representatives are limited with respect to the number of times that they may speak on a motion as well as to the length of time that they are permitted to speak. In general, a representative may speak only once on a motion for up to 5 minutes. The representative who made the motion is allowed 5 additional minutes to close the debate.

Absentee voting is allowed, except when a vote of "representatives present and voting" is called for or during a call of the House. An absentee voting authorization form must be signed as provided in House Rules.

■ Order of Business

No. 1. **Communications and petitions.** Various types of communications may be read.

No. 2. **Reports of standing committees.** A House standing committee report that recommends "do pass" or "be concurred in", with or without amendments, is

announced across the rostrum and, if there is no objection to form, is considered adopted. The House Rules address the procedures for an adverse committee report; however, adverse committee reports are uncommon. (See Chapter 8 for more information about committee reports.)

No. 3. **Reports of select committees.** Conference committee reports are announced but are not voted on under this order of business.

No. 4. **Messages from the Senate.** Common examples of matters addressed in these messages include transmittal of bills or resolutions from the Senate, actions on House bills, actions on Governor's amendments, appointment of conference committees, actions on conference committee reports, and concurrence in or rejection of House amendments to Senate bills or resolutions. This order of business is devoted to receiving the message. The House of Representatives does not take action on the matter that is addressed in the message until the appropriate order of business.

No. 5. **Messages from the Governor.** Matters addressed in messages from the Governor include the Governor's action or recommendation on specific bills. This order of business is devoted to receiving the message. The House of Representatives does not take action on the matter that is addressed in the message until the appropriate order of business.

No. 6. **First reading and commitment of bills.** Each introduced bill or resolution and the committee to which it has been referred are announced.

No. 7. **Second reading of bills (Committee of the Whole).** The House of Representatives resolves itself into a Committee of the Whole. The Speaker of the House appoints a representative to preside over the Committee of the Whole. It is under this order of business that debate occurs on bills and resolutions and that amendments may be offered to proposed legislation. Conference committee reports, amendments made by the Senate to House bills or resolutions, and the Governor's recommended amendments may also be considered.

After the sponsor makes an opening statement on the bill, amendments are offered. After all amendments are considered, the Committee of the Whole considers the bill in its entirety.

A representative may speak once for up to 5 minutes. The sponsor may speak a second time for 5 minutes in order to close.

If the House Majority Floor Leader and the House Minority Floor Leader agree in advance:

- a lead proponent and a lead opponent may be granted additional time to speak on a bill; and
- a bill or resolution may be allocated a predetermined amount of time for debate and number of speakers.

There are special provisions in the House Rules that govern debate on the general appropriations bill.

The House Rules limit the motions that are permitted in the Committee of the Whole. However, in practice, additional motions have been allowed.

A representative may ask a question of another representative by directing a question through the presiding officer. The form of this motion is provided in the House Rules. There is no limit on the number of questions that a representative may ask unless the presiding officer determines that the purpose of the questioning is to delay or obstruct business.

The following guidance regarding the conduct of members during debate is derived from *Mason's Manual of Legislative Procedure:*

- Confine remarks to the question before the house and avoid personalities.
- Do not use indecent language with regard to the body (the Legislature or the House of Representatives) or its members.
- The nature or consequences of a measure may be condemned in strong terms, but the motives of a member may not be arraigned.[17]

Following a motion to "rise and report" or "rise and report progress and beg leave to sit again", the presiding officer moves adoption of the committee report for the Committee of the Whole. Prior to adoption of the Committee of the Whole report, a member may move that a bill or resolution be segregated from the report and left on second reading for further consideration.

---

[17] National Conference of State Legislatures. *Mason's Manual of Legislative Procedure*, 2000 edition, sections 123-124.

No. 8. **Third reading of bills.** The House of Representatives votes on bills, resolutions, Senate amendments to House bills and resolutions, conference committee reports, and Governor's amendments. Debate is not permitted, and amendments may not be offered.

No. 9. **Motions.** Numerous motions are in order under this agenda item. Examples include motions to:

- redirect legislation (e.g., rerefer to another committee, move from second reading to a committee, etc.);
- change the vote of an individual legislator;
- reconsider action by the House of Representatives on a specific matter;
- appoint a conference committee; and
- override a veto.

No. 10. **Unfinished business.** This order of business is rarely used in the House of Representatives.

No. 11. **Special orders of the day.** The filing of additional cosponsors of a bill or resolution is noted by the Chief Clerk for the record at this time. The consent calendar is also announced under this order of business. Speeches from visitors, ceremonies, and other special events take place during this order of business.

No. 12. **Announcement of committee meetings.** Committee presiding officers announce meetings.

■ Adjournment

A representative may make a nondebatable motion that the House of Representatives adjourn under any order of business except second reading of bills (No. 7). A motion to adjourn for a legislative day must specify a time for the House to convene on the subsequent legislative day.

The House of Representatives may adjourn until the date and time of the next meeting or until the next session of the Legislature (sine die).

◘ Journals

The Montana Constitution requires each house to keep a journal. The journal is the only official record of action taken by the Senate or the House of Representatives. The daily journals include:

- introduction of bills and resolutions;
- consideration of bills and resolutions;

- the text of each amendment, the name of the legislator proposing the amendment, and its disposition;
- the vote of each legislator on final passage of a bill or resolution;
- committee reports;
- each motion, the name of the legislator making the motion, and its disposition;
- roll call votes;
- messages from the Governor;
- messages from the other house; and
- other votes and activities as provided by law.

The journal does not include a transcript of debate. There is no written record of the discussion that occurs when legislation is debated on second reading in the Committee of the Whole.

A legislator may suggest corrections to the journal for the legislator's house. Without objection, the presiding officer (President of the Senate or Speaker of the House) may direct that the correction be made.

CHAPTER 10: PARTICIPANTS IN THE PROCESS

> What I want is to get done what the people desire to have done, and the question for me is how to find that out exactly.
>
> --Abraham Lincoln, 16th President of the United States

Introduction

The rights of citizens to participate in and observe government deliberations are contained in Article II, sections 8 and 9, of the Montana Constitution (see Chapter 6).

The Bill of Rights Committee of the 1972 Montana Constitutional Convention provided the following comments on the right to participate:

> In part, it is also a commitment at the level of fundamental law to seek structures, rules and procedures that maximize the access of citizens to the decision-making institutions of state government.[18]

CITIZENS, LOBBYISTS, AND EXECUTIVE BRANCH EMPLOYEES ARE A SIGNIFICANT SOURCE OF INFORMATION FOR LEGISLATORS.

Further comments of the Committee continue to be relevant more than 40 years later.

> It is hoped that this provision will play a role in reversing the dissatisfactions increasingly expressed regarding bureaucratic authority insulated from public scrutiny and participation.[19]

This chapter explains how various citizens participate in and know about the deliberations of the Legislature.

Influence and Information

Citizens, lobbyists, and other legislators seek to persuade legislators to sponsor, support, oppose, or modify proposed legislation. This is how legislators learn about ideas for legislation, understand the effects of proposed legislation, identify ways that legislation might be improved, and gauge opinions about proposed legislation. Those who lobby play a substantial role in the legislative process; consequently, they are sometimes referred to as the "Third House".

Citizens, lobbyists, and Executive Branch employees are a significant source of information for legislators. In the following pages, each of these groups is discussed in more detail.

[18] Bill of Rights Committee Proposal, Montana Constitutional Convention Verbatim Transcripts, Vol. II, p. 630.

[19] Ibid, p. 631.

Citizens

Citizens may lobby, provide information, or observe legislative proceedings in many ways:

- Citizens may attend committee hearings to observe or may participate in committee hearings by providing testimony. Committee hearings are the primary forum for face-to-face citizen participation in the process of making laws.
- Citizens may communicate with legislators about potential or proposed legislation in person, by using the Internet, by telephone, or by mail.
- Citizens may observe daily floor sessions in the gallery.
- Through TVMT (discussed later), citizens have an opportunity to observe floor sessions and committee hearings on television or the Internet.
- Citizens can read bills and resolutions and monitor their status and obtain comprehensive information about the Legislature by using the Internet or by telephone.
- Citizens often join organizations whose members have common interests and that are represented by lobbyists.

Legislators may wish to help their constituents understand how they can participate in and observe the Legislature. Resources available to citizens are described in Chapter 13 and Appendix A.

Citizens viewing the Legislature from the gallery.

Lobbyists

Lobbyists may be paid by governmental, nonprofit, and for-profit entities. Lobbyists who receive payments from one or more persons that in total equal or exceed a certain annual threshold[20] are regulated under statutes and administrative rules. Likewise, entities that make payments to one or more lobbyists (i.e., principals) that exceed the annual threshold are subject to regulation. A general overview is presented below. The reader should refer to the statutes and rules for specific requirements.

- **Licensing.** Lobbyists must be licensed by the Commissioner of Political Practices.

- **Reporting of expenditures.** Principals must report lobbying expenditures at specified times.

[20] The annual threshold for calendar years 2009 and 2010 was $2,400 and has not changed. The threshold is adjusted for inflation following each general election. (ARM 44.12.204)

- **Report to legislators.** The Commissioner of Political Practices is required to make a report available to each legislator monthly during the legislative session. The report must include the names of registered lobbyists, the names of principals represented by the lobbyists, and the subjects of legislation in which each principal is interested. This information is also available to the public.

- **Reimbursement by legislators.** When a lobbyist invites a legislator to attend a function or offers a legislator a gift, upon request, the lobbyist must supply the legislator with the benefit's true or estimated cost and allow the legislator to reimburse the lobbyist. (These benefits are subject to ethics laws. See Chapter 4 for more information.)

- **Unprofessional conduct.** Lobbyists and principals may not engage in or authorize unprofessional conduct. Unprofessional conduct includes:
  - violating the lobbying laws;
  - instigating action by a public official for the purpose of obtaining employment;
  - attempting to influence the action of a public official on a measure that is pending or to be proposed by promising financial support or making public unsubstantiated charges of improper conduct on the part of a lobbyist, a principal, or a legislator; or
  - attempting to knowingly misrepresent pertinent facts of an official matter to a public official or knowingly deceive the official in regard to those facts.

Executive Branch Employees

Executive Branch employees may lobby or may simply provide information. State agencies that engage in lobbying are subject to the requirements of Montana's lobbying statutes. Provision of information by a state employee at the request of an individual legislator or legislative committee is not an activity subject to these requirements.

State agencies, belonging to the branch of government that implements laws, offer a broad spectrum of valuable information. The Executive Branch is a major repository of statistics. Furthermore, agency staff can explain how programs are operated and can often identify potential effects of proposed legislation. A legislator who wants information from a state agency may ask a bill drafter, research analyst, fiscal analyst, or attorney to request the information. Legislators may also contact the agency's director, who will ensure that the appropriate staff person responds to the request.

A substantial amount of information is available on state agency websites.

News Media

Registered representatives of the media have access to all public meetings, including committee meetings, daily floor sessions, and political party caucuses. A representative of the press may not be prohibited from photographing, televising, or recording a legislative meeting or hearing. Reporters and TV cameras are present during floor sessions and may be present during committee hearings. However, their presence doesn't guarantee coverage. Reporters are most likely to use comments when they are succinct and pertain directly to the bill or topic under discussion.

There are press areas in the chamber of each house and press offices in the Capitol. The Legislative Communications Office keeps current lists of media representatives and organizations statewide that are available to legislators upon request.

Seeking News Coverage

Legislators may wish to convey information through a news release or a news conference. A few tips for legislators who desire coverage of an issue are presented below.

- Talk with the editor or political reporter of your local newspaper before the session convenes to see if either would like you to provide regular updates on the session.
- Show the media how the news directly affects people's lives.
- Include information about "who, what, where, when, how, and why".
- Learn about media deadlines; timing is important.
- Present information that is easy to understand.
- Keep material focused on legislation or how constituents can be involved in the process or a particular issue that will be heard during the session. News releases and guest columns focusing on issues are more likely to be published than are overtly political pieces focusing on only one side of an issue or taking one political party to task.
- Take initiative by getting to know reporters and contacting them to inform them about what you are doing.[21]

Being Interviewed

Legislators may be contacted by reporters who are gathering information for a story. A few tips for legislators who are interviewed by representatives of the media follow.

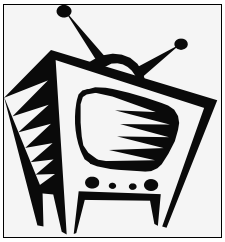
- Be candid; answer questions directly.
- Always assume that what you tell a reporter is on the record unless the reporter agrees beforehand not to

[21] National Conference of State Legislatures, "15 Tips for Being an Effective Legislator", Denver, 1995. Ohio Legislative Service Commission, *A Guidebook for Ohio Legislators*, 7th edition, Columbus, Ohio, 2000, pp. 93-99.

identify the source or use the information. Never say anything that you would not want to see in print or on the news.

- If you believe that a reporter has misrepresented your statements, discuss your concerns with the reporter.[22]

Bringing the Legislature to the Citizen: TVMT



The 2001 Legislature established Television Montana (TVMT), a state public affairs television and Internet broadcasting service. According to statute, the purpose of TVMT is "to provide Montana citizens with increased access to unbiased information about state government deliberations and public policy events through unedited television coverage and other communications technologies". The Legislative Services Division is responsible for administering this program, including executing a contract with a private, nonprofit organization for production services. The Legislative Council assists the Division in monitoring the program to ensure that broadcasts are in compliance with the principles of good conduct enumerated in law.

During the session, TVMT provides gavel-to-gavel daily coverage of the Senate and House floor sessions and several committee meetings. This C-Span style programming is distributed on closed circuit television within the Capitol and to cable television subscribers in many communities in Montana.

All legislative committee meetings that take place at the Capitol are broadcast live over the Internet, through either streaming audio or video. On-demand archives that contain audio or video recordings are available shortly after the meeting on the legislative website.

[22] Ohio Legislative Service Commission, pp. 93-99.

CHAPTER 11: GETTING PAID AND OTHER IMPORTANT DETAILS

Introduction

This chapter provides practical information to help a legislator prepare for a legislative session or take care of business during the session. The first half of the chapter addresses compensation and benefits. The second half is devoted to "Administrative Nuts and Bolts".

Compensation and Benefits

Financial and Human Resource Office

The Financial and Human Resource Office of the Legislative Services Division is responsible for processing payroll, mileage and expense allowances, and per diem allowances. The office also has information and forms related to benefits.

Compensation Rates

Daily allowance. During the 2013 session, each legislator will receive a daily (per diem) allowance, 7 days a week, for expenses. The allowance is not paid when the Legislature recesses for more than 3 days. The per diem allowance during the 2011 session was $105.31 a day; the allowance for 2013 will be determined as outlined in section 5-2-301(4), MCA, but will not exceed a 5% increase.

Salary. Each legislator will also receive a salary of $82.64 for each legislative day. Although the Legislature provides by law for the compensation and allowance for members, a Legislature may not fix its own salary. A legislator may choose to serve for no salary.

Interim activities. Legislators and legislators-elect who are attending the presession caucus or legislative orientation and training or legislators who are engaged in legislative business with prior authorization are entitled to receive salary for each 24-hour period spent away from home. Legislative Council guidelines are used to determine if time spent away from home reasonably falls within the context of authorized legislative business.

Deductions

The following deductions will be taken from a legislator's salary:

- Social Security (including Medicare) deductions;
- federal and state income tax withholdings in accordance with the legislator's W-4 form;
- for legislators who have elected to join the Public Employees' Retirement System, contributions; and
- for legislators who have elected to participate in the deferred

compensation plan, the elected amount.

Special conditions may apply to legislators who were members of, or drawing retirement benefits from, any of the state retirement systems prior to beginning legislative service.

■ Distribution of Payments for Salary and Expenses

Payroll warrants will be delivered to each legislator's Capitol Station post-office box biweekly on state pay days. An electronic direct deposit option is available.

Per diem payments will be delivered to legislators' Capitol Station post-office boxes on Wednesday of the first week of the session. At the legislator's option, per diem payments may be combined with the biweekly payment of payroll. Notify the Financial and Human Resource Office if you wish to exercise this option.

Legislators who live within 50 miles of the Capitol will not receive weekly per diem payments. Instead, per diem payments will be combined with the biweekly payment of payroll.

■ Tax Considerations

Treatment of per diem allowances for income tax purposes depends on where the legislator lives and how the actual allowance compares with the amount allowed under federal law.

If a legislator lives within 50 miles of the state Capitol, per diem allowance payments are taxable income, subject to withholding. If a legislator lives more than 50 miles from the Capitol, a portion of the per diem allowance payments may be taxable, but payments are not subject to withholding.

After each legislative session and before income tax forms are due, the Legislative Services Division's Legal Services Office prepares a memorandum that explains the federal requirements and provides the necessary dates and amounts that may be needed to complete a legislator's federal income tax return.

Travel expenses for legislative business that are not reimbursed may be eligible for a deduction. Legislators are advised to consult with the federal Internal Revenue Service or their income tax preparers.

■ Public Employees' Retirement System (PERS)

Membership in the Public Employees' Retirement System (PERS) is optional for legislators who are not members. Within 6 months of assuming office, the legislator must elect to accept or decline membership. The election is irrevocable as long as the legislator is in office. If a legislator elects membership, retirement contributions must begin immediately.

If a legislator declines membership, the legislator may not become a PERS member while still a legislator. In addition,

no membership service credit may accrue for the time period that the legislator serves in office. If a legislator later becomes employed in a position for which PERS membership is mandatory, the legislator is required to become a member at that time, but no service credit for legislative time in office will be credited, nor can it be purchased.

If a legislator is an active, inactive, or retired member of the PERS (anyone with funds on deposit with the PERS), the legislator is not allowed an election option.

In addition to regular retirement benefits, there are provisions for benefits in case of disability or death.

■ Group Insurance Benefits

Members of the Legislature are eligible for state employee group insurance benefits. Options include medical and dental coverage for the legislator and family members and life insurance coverage. Eligibility for newly elected officials begins on the date that the oath of office is taken or on the date that the term begins, whichever is earlier.

The state contributes an amount, specified in section 2-18-703, MCA, toward the cost of group benefits for employees and legislators. Legislators may enroll to receive state insurance benefits and have the monthly state contribution applied to those benefits or elect to have the monthly state contribution applied toward out-of-pocket costs of other health insurance coverage. If the out-of-pocket cost is less than the state's monthly contribution, only the portion of the state contribution necessary to cover actual out-of-pocket costs may be applied.

■ Deferred Compensation Plan

Legislators are eligible to participate in the State of Montana 457 Deferred Compensation Plan, which is a tax-deferred supplemental retirement program. The plan allows participants to defer as little as $10 a month.

A legislator may enroll, change, or stop deferrals at any time. There is no specific time or period during which a legislator becomes eligible or must enroll. The plan is available only through payroll deduction and would be most beneficial to a legislator during legislative sessions when the legislator is receiving regular paychecks through the central payroll system.

■ Leave

Sick leave and annual leave benefits do not apply to legislators.

■ Travel Expenses

Travel during the legislative session. Each legislator is authorized to receive mileage reimbursement at a rate established by statute for four round trips from home to the Capitol during a regular session. An initial payment, covering the legislator's trip to Helena at the beginning of the session and the return

trip home at the end of the session, is paid automatically during the first week of the session. In order to receive reimbursement for the three additional round trips, the legislator must complete a form. Reimbursement is made after the trip is completed.

Additional travel during a legislative session may be authorized and funded by money from the "feed bill"[23] with the concurrence of the President of the Senate or the Speaker of the House.

Travel during the interim. A budget for leadership-approved travel is usually included in the feed bill to pay for travel expenses associated with meetings of Legislative Administration Committees, Rules Committees, or similar groups during the interim. Leadership-approved travel funds also help members attend meetings of value to the Legislature during the interim. Expenditure of this money is subject to approval of the President of the Senate, Senate Minority Floor Leader, Speaker of the House, or House Minority Floor Leader.

Money is also appropriated in the general appropriations bill (House Bill No. 2) for legislators to attend meetings of permanent legislative committees, legislative interim committees, and other special committees. Occasional appropriations are provided for legislators to attend meetings of the National Conference of State Legislatures, the Council of State Governments, or other interstate organizations. Except for appropriations for the Legislative Finance and Legislative Audit Committees, allocation of the interim committee budgets is the responsibility of the Legislative Council. Expense and mileage allowances are determined as provided in Title 2, chapter 18, part 5, MCA.

Administrative Nuts and Bolts

Administrative topics are listed in alphabetical order. Except when otherwise noted, services and equipment are to be used for legislative business and not for political or private purposes.

Absence. Senators should notify the party whip and representatives should notify the party floor leader if they need to be excused from meetings on a legislative day.

Agenda, bills, and resolutions. Members receive a packet of information that includes a daily agenda and copies of bills and resolutions on second and third reading for that day. Additional copies are available from the Bills Distribution Office in the basement of the Capitol. Legislators will receive information on how to get these documents electronically and will be able to go “paperless”.

Aides for individual legislators. Each legislator may sponsor one legislative aide, who is at least 18 years of age, for a session. Exceptions may be approved by

[23] House Bill No. 1, the appropriation bill that supports the functions of the Legislature.

the appropriate Rules Committee. The Legislature does not provide any funds for compensating or reimbursing aides. Any compensation or reimbursement of expenses is the sole responsibility of the sponsoring legislator. A senator who sponsors an aide must register with the Secretary of the Senate and arrange for the purchase of a name tag with the Senate Sergeant at Arms. A representative who sponsors an aide must provide written notification of the designation of an aide to the House Sergeant at Arms and arrange to purchase an identification tag from the Sergeant at Arms.

Computers for legislator use. Computers with Internet access, a web browser, word processing software, and printing capability are available in common-use areas. The Legislative Services Division will arrange for Internet access for legislators who wish to bring their own laptop computers to the Capitol. Legislators may contact the Sergeant at Arms to make arrangements.

Copying. Photocopiers are available for use by legislators in the areas assigned to each house for copying of materials. Legislators should use the machines assigned to their house. Contact the Secretary of the Senate's office or the Chief Clerk's office in the House of Representatives for large copying jobs.

Fax. Facsimile machines are available for use by legislators in the areas assigned to each house. Legislators should use the machines assigned to their house.

Food service. There is a cafeteria in the basement of the Capitol and a snack bar on the third floor in the public hallway between the Senate and House Chambers. There are also cafeterias on the third floor of the Walt Sullivan (Labor and Industry) Building located across from the southeast corner of the Capitol and in other buildings in the Capitol Complex.

Housing. Legislators are responsible for making their own housing arrangements. As a courtesy to legislators, the Legislative Services Division maintains a file of information that is provided by landlords about housing opportunities.

Interns. The Legislative Council administers the legislative intern program established in Montana law. Participating higher education students are assigned to a legislator by the Legislative Council. Interns participating in this program do not receive a stipend. They may receive academic credit if this is authorized by the intern's school. Other entities also sponsor legislative intern programs.

Legislator technology allowance. For the 2013 session, legislators are provided with a technology allowance. This allowance is to be used by the legislator to purchase a laptop and certain software. New legislators and legislators who did not use the allowance in 2011-12 have priority. See the Legislative Services Division, Financial and Human Resource Office, for more details on this program.

Mail. Each legislator is assigned a post-office box located next to the post office on the first floor of the Capitol. After the legislative session, first-class mail is forwarded to the legislator by the Legislative Services Division. Items to be mailed may be deposited at the Sergeant at Arms' office in the Senate or the Chief Clerk's office in the House of Representatives. Mass mailings are not permitted.

Offices. Office space assignments are coordinated by the Sergeant at Arms. Offices are not available for all representatives; however, rooms with desks and other office equipment are available for common use by representatives.

Pages. There is a "page call" button on each desk. Pages may be asked to deliver or pick up mail, to deliver notes and messages to other legislators, or to get a snack when the legislator is busy during a floor session. Legislators may sponsor pages to serve for 1 week. Applications for appointment as pages are available at the office of the Secretary of the Senate or the Chief Clerk of the House.

Parking. Each legislator is assigned an individual numbered parking space before the beginning of the session. Legislators may contact the Sergeant at Arms regarding parking assignments or parking violations.

Schedule. The Legislature typically meets 6 days a week, Monday through Saturday. In the past, the Legislature has recessed for several days after the transmittal deadline and at the time of the Easter holiday.

Smoking. Buildings owned and occupied by the state are required by law to be smoke-free. Therefore, no smoking is allowed inside the Capitol.

Supplies. Legislators may contact the Sergeant at Arms for supplies, including stationery, name tags, and business cards.

Telephone. Long-distance telephone calls made by a member while the Legislature is in session or while the legislator is in travel status are considered official legislative business. Authorized calls include calls made to constituents, places of business, and family members. (Dial "8" to get an outside line.) Access to the Internet is subject to the same policy.

Wireless access to the Internet. Almost all rooms in the Capitol have the ability to connect to the Internet via wireless. If you need help connecting your laptop to the wireless service in the Capitol, contact the Sergeant at Arms.

Word Processing ("typing"). Word processing support is available to all legislators for preparation of letters, news releases, etc. Senators should contact the office of the Secretary of the Senate, and representatives should contact the office of the Chief Clerk of the House.

CHAPTER 12: INTERIM ACTIVITIES

Introduction

The regular biennial legislative session occupies only about one-sixth of the life span of a Legislature. Members do not escape from legislative responsibilities during the 20 months between legislative sessions.

Members may be involved in the following activities during the interim between legislative sessions:

- serving on interim committees or the Legislative Council, Legislative Audit Committee, or Legislative Finance Committee;
- serving on other statutory or ad hoc committees;
- participating in interstate organizations;
- communicating with constituents and others about the activities of the Legislature and policy issues;
- responding to constituents' concerns; and
- developing new policy proposals for consideration by the next Legislature.

This chapter provides information about interim committees, interim studies, and information requests. See Chapter 3 for more information about the duties of the Legislative Council, the Legislative Audit Committee, and the Legislative Finance Committee.

Interim Committees

The following are statutorily established interim committees:

- Children, Families, Health, and Human Services Interim Committee;
- Economic Affairs Interim Committee;
- Education and Local Government Interim Committee;
- Energy and Telecommunications Interim Committee;
- Law and Justice Interim Committee;
- Revenue and Transportation Interim Committee;
- State Administration and Veterans' Affairs Interim Committee; and
- Water Policy Interim Committee.

The Environmental Quality Council and the State-Tribal Relations Committee also meet during the interim and conduct interim studies.

The Districting and Apportionment Commission is appointed in the session prior to the decennial census and completes its work in a 4-year period.

The Computer System Planning Council includes two legislators and Legislative Branch staff to oversee the maintenance of the IT environment.

Other interim committees may be added through legislation. Committees are generally formed for topics that the

Legislature wants to focus attention on, e.g., fire suppression. The statutory interim committees are assigned study resolutions by the Legislative Council.

Duties

Duties of interim committees are listed below:

- review administrative rules within the jurisdiction of the committee;
- conduct interim studies;
- monitor the operation of assigned Executive Branch agencies;
- review legislation proposed by assigned agencies or entities and request that legislation be drafted; and
- prepare bills and resolutions that are considered necessary for the next regular session of the Legislature.

Some committees have additional responsibilities. The Environmental Quality Council performs the same duties as an interim committee and is also subject to additional statutory requirements.

The State-Tribal Relations Committee is required to act as a liaison with tribal governments, encourage state-tribal and local government-tribal cooperation, conduct interim studies as assigned, and report on its activities, findings, and recommendations.

Members and Officers

Senate interim committee members are appointed by the Senate Committee on Committees. House interim committee members are appointed by the Speaker of the House.

Most interim committees have four members from each house. No more than two members of each house may be from the same political party. With two political parties, each interim committee has an equal number of members from each party. The Legislative Council may ask the appointing authority to add one or two additional members from each political party to a committee if warranted because of the committee's workload.

A presiding officer and vice presiding officer for each interim committee are elected by the members. These officers may not be members of the same political party.

Budget

The Legislative Council allocates a budget for each interim committee. Reallocations may be made by the Legislative Council if warranted.

Interim Studies

The Legislature identifies prospective interim studies through resolutions requesting interim studies. Usually requests for studies exceed the resources available to conduct the studies. A process has been established in statute for prioritization and assignment of studies.

The steps are as follows:

❶ The Legislative Services Division compiles a list of study requests contained in bills or resolutions approved by both houses of the Legislature.

❷ The list is mailed to legislators who are asked to rank the study requests in order of importance.

❸ The poll results are compiled by Legislative Services Division staff. The poll results, estimated staff time requirements, and other relevant background information are presented to the Legislative Council.

❹ The Legislative Council determines which studies will be assigned and assigns studies to interim committees and other statutory legislative committees. The sponsor is invited to attend the Legislative Council meeting and speak about the request.

❺ An interim committee or statutory committee may recommend to the Legislative Council that an interim study be assigned to another committee.

According to Legislative Council guidelines, interim studies are to be completed by September 15 of the year before a regular legislative session.

Information Requests

Legislators may request information from Legislative Branch staff. Examples of common requests include:

- information about requirements in current law;
- research about potential options to address a problem through legislation; and
- legal opinions regarding the application of current law.

In order to ensure that staff resources are allocated appropriately among interim and statutory committee responsibilities and the requests of individual legislators, requests that require more than 40 hours of staff time require approval by the appropriate oversight committee (i.e., the Legislative Council, Legislative Audit Committee, or Legislative Finance Committee). Consultation with the presiding officer and vice presiding officer of the appropriate oversight committee is required for requests that are expected to be completed in 16 to 40 hours.

CHAPTER 13: INFORMATION CENTERS

Introduction

This chapter describes important information centers for legislators and citizens who want information about the Legislature or legislation. Appendix A complements this chapter and provides details about where to find additional information in general and also identifies resources on various topics contained in each chapter of this handbook.

Legislative Communications Office

The Legislative Communications Office is an excellent resource for legislators, the media, and the general public. It is staffed during sessions and interims. The office, which includes the Session Information Desk, oversight of the Legislative Branch website, and the Legislative Reference Center (described later in this chapter) serves several primary functions:

- **Legislator education, training, and outreach.** The Legislative Communications Office (LCO) can help new legislators get acclimated. In conjunction with the Executive Director of the Legislative Services Division and other staff, the LCO develops training sessions, briefing materials, and publications to help educate legislators about staff services, the legislative process, and government programs.

- **Media education and outreach.** The LCO serves as legislative liaison to the media, facilitating access to appropriate spokespersons, distributing news releases as requested, educating media about the legislative process, and maintaining a list of media contacts in the state.

- **Public outreach and civic education.** The LCO handles a wide range of information requests from the public. The LCO develops and distributes publications, website content, and other materials to promote civic education about the legislative institution and representative democracy.

Session Information Desk

During sessions, the Session Information Desk serves as a one-stop point of contact for Montanans wanting to communicate with their legislators or learn more about the legislative process. Staff members serve two primary functions:

- **Relaying messages from citizens to legislators.** Staff members answer telephone calls, record messages for legislators, and forward messages to legislators. Messages are maintained on a database, and a copy of any message can be produced upon request. Staff also process and

forward messages that are submitted to legislators via an online message form on the legislative website.

- **Providing information to citizens about the Legislature and legislative activities.** Staff members are trained to answer questions from citizens about the status of bills and resolutions, dates and times of committee hearings, committee membership, and other session-related information. The Session Information Desk distributes hearing calendars, agendas, seating charts, and other useful printed materials.

Legislative Branch Website (http://leg.mt.gov/)

Overview

The website for the Legislative Branch offers a wealth of information about the Montana Legislature. Highlights of the website include:

- an up-to-date, comprehensive database of legislative session information available through LAWS (described in the next section);
- online access to streaming broadcast of legislative proceedings;
- information about the work and membership of interim and other statutory committees;
- information about the Legislature and legislators, including contact information;
- Montana laws, including the Montana Constitution;
- selected reports and publications;
- legislative and civics information for students and classrooms; and
- resources for legislators.

Session Information Through LAWS

A section of the Legislative Branch website is dedicated to each session of the Legislature. LAWS, the Legislative Automated Workflow System, is a free, up-to-date, and comprehensive database available anytime to anyone with Internet access. By clicking on the menu item entitled "Sessions" and then on the specific year, individuals can obtain:

- the text and status of bills and resolutions;
- information about session committees, including membership, staff, agendas, and scheduled hearings;
- journals and floor actions for each house;
- fiscal notes;
- floor votes;
- an index of bills and resolutions by subject; and
- reports listing bills and resolutions.

Status information is added to LAWS by automated processes or by staff, when needed, as the bills make their way through the legislative process. This is most often done immediately after actions occur. Consequently, LAWS is an invaluable source of up-to-date information

for persons interested in the Legislature's activities, whether they are legislative staff working in the Capitol or an interested citizen on a ranch in southeastern Montana.

Using advanced search functions, individuals with Internet access can generate lists of bills, resolutions, and draft requests tailored to their interests. Search criteria include legislative requester, primary sponsor, drafter, subject, committee, and status.

Any person with Internet access may generate lists of bills, resolutions, and draft requests that are tailored to the user's interest by using advanced search functions. Search criteria include requester, primary sponsor, drafter, subject, committee, and status.

Internet users who wish to track specific legislation may sign up for "preference list" service. This free service allows users to create, modify, and save their own tailored list of bills, resolutions, and draft requests. Once a list file is created, the user can click on a button to display the latest status of each bill, resolution, or draft request in the list, along with the short title and requester or primary sponsor.

Bill text may be viewed in "html" format or retrieved either in WordPerfect 5.1 format or in a portable document format (pdf). The "pdf" copy maintains the same page and line relationships as the printed bill used in the legislative process.

By displaying the legislator's own page, a legislator is able not only to monitor the bills with which the legislator is associated (i.e., bills sponsored and/or requested), but is also able to view a list of bills that are currently scheduled for hearing for which the legislator is the primary sponsor. There is also a list of bills that are currently scheduled for hearing in committees on which the legislator is a member.

Legislative Reference Center

The Legislative Reference Center provides reference and research assistance and interlibrary loan services to legislators and legislative staff. The collection focuses on issues of current concern to the Montana Legislature, including such topics as economic development, education finance, health care policy, gambling, privatization, taxation, state employee compensation, state finances, and workers' compensation. The collection contains approximately 8,500 books and 500 periodicals for legislators’ use.

The library catalog is online and searchable, as is an index of state and national newspaper clippings and an index of articles of interest organized by topic. The Legislative Reference Center staff has also been busy inputting staff legal and research memos into the publications database available via the legislative website at http://leg.mt.gov; this is a new service. Previously, these memos have not been available electronically to legislators.

The Legislative Reference Center also offers access to Montana legislative materials, such as current and past Senate and House journals, session laws, bills, committee minutes, and exhibits. Staff will compile legislative histories for legislators. Materials and reports published by the Legislative Services Division, along with interim committee work papers, are cataloged and archived. Constitutional Convention proceedings are available, as well as Montana Attorney General opinions, state and federal case law, and statutes. The Legislative Reference Center also contains past and present Montana Code Annotated volumes, administrative rules, and legislator directories. Publications from the National Conference of State Legislatures and from legislative agencies in other states form a major part of the collection.

Items in the Legislative Reference Center that may be of special interest to new legislators include the National Conference of State Legislatures "How to Be an Effective Legislator" audiotape series. Created by experts, the tapes and guides are available for legislators to borrow. The series addresses the following subjects:

- mastering the legislative process;
- managing the budget;
- working with staff and lobbyists;
- serving constituents; and
- chairing a committee.

The Legislative Reference Center also has other audiotapes and videotapes for legislators' use, including such titles as "Tips and Strategies for Becoming an Effective Health Lawmaker", "Communicating Effectively Through the Media", and "Cultivating a More Diverse Economy in Rural Areas".

There are two computers with unrestricted Internet access in the Legislative Reference Center for legislators' use. Staff will also help legislators access and use subscription research and legal websites and databases. Staff can also scan documents for legislators. Legislators are encouraged to contact the staff in the Legislative Reference Center for assistance with obtaining any information needed for legislative activities and law-related research.

Montana State Library

The Montana State Library serves the work-related, informational needs of state employees in partnership with the other more specialized agency libraries. Collection strengths include electronic journals and references related to natural resources, environment and conservation, government, health and social services, information science and technology, and personnel management.

The library maintains a permanent comprehensive collection of state publications and an inventory of federal publications selected for their pertinence to Montana state government. The library circulates resources to the public. See http://msl.mt.gov.

The library's Natural Resource Information System (NRIS) provides GIS (Geographic Information System) mapping, technical assistance and access to geospatial data, and research information concerning Montana's climate and water, plant, and wildlife resources.

State Law Library

The State Law Library's collections and services are used by the Montana Supreme Court Justices and their law clerks, state and private attorneys, state employees, students, and the public.

The library's 180,000-volume collection includes Montana's territorial and state codes and session laws, administrative regulations, Supreme Court opinions and briefs, current codes, historical session laws, and appellate court decisions from all 50 states; federal statutes, session laws, administrative rules, and cases; legal encyclopedias and dictionaries; many subject-based treatises; over 500 law review and bar journals; and a large number of legal forms.

The Law Library's website, http://lawlibrary.mt.gov, provides links to many sample legal forms; Montana and federal laws, including Supreme Court opinions, orders, and briefs; and research links on dozens of topics. Patrons can search or browse the library's materials online from any computer by visiting its website. Any Montana resident may borrow materials.

Montana Historical Society Research Center

The MHS Research Center, http://montanahistoricalsociety.org, serves the general public, state agency employees, academic researchers, students, and genealogists. The MHS Research Center is a special collections facility that collects published and unpublished materials that reflect and document the history of Montana and the region. The collection consists of state documents, books, archival records and oral histories, manuscript collections, legislative records, historic photographs, and maps. The MHS Research Center also holds 95% of the newspapers published in Montana, both historic and current.

Census and Economic Information Center

The Census and Economic Information Center provides state employees and legislators with access to and education on using census, economic, geographic, and business data for Montana from a variety of federal and state statistical resources. See http://ceic.mt.gov.

Patrons have access to Montana data/thematic maps and may have a custom data map created for a specific project. The collection includes historical, demographic and economic data, current electronic data (DVD/CD), and print documents.

APPENDIX A: RESOURCES

General Resources

What: Legislative Branch Website ✡
Where: http://leg.mt.gov/

What: Legislative Services Division (LSD) ✡
Where: State Capitol, Room 110
P.O. Box 201706
Helena, MT 59620-1706
(406) 444-3064

What: Legislative Communications Office ✡
Where: State Capitol, Room 10
(406) 444-3067
E-mail: leginfo@mt.gov

What: Session Information Desk
Where: State Capitol, 1st floor lobby
(406) 444-4800 (during the legislative session only)

What: Legislative Reference Center ✡
Where: State Capitol, Room 10
(406) 444-3598

What: Legislative Printing and Distribution Office (distribution of bills, resolutions, and other materials to the public.)
Where: State Capitol, Room 74
(406) 444-0627 (during the legislative session only)

✡ Denotes documents or information available on the Legislative Branch website: http://leg.mt.gov/

What: Legislative Audit Division ✡
Where: State Capitol, Room 160
P.O. Box 201705
Helena, MT 59620-1705
(406) 444-3122

What: Legislative Fiscal Division (LFD) ✡
Where: State Capitol, Room 110
P.O. Box 201711
Helena, MT 59620-1711
(406) 444-2986

What: Montana Code Annotated (MCA) ✡
Where: LSD. Available to legislators in print or on CD-ROM for $10.

What: *Sources of Information and Publications* (pamphlet)
Where: LSD

What: Montana Historical Society (Capitol tours and information about the Capitol)
Where: State Capitol, 1st floor lobby

Supplemental Resources by Chapter

■ *Chapter 2: Government in Montana*

What: *A Guide to the Montana Legislature* ✡
Where: Available from the Legislative Communications Office
(406) 444-3067
E-mail: leginfo@mt.gov

✡ Denotes documents or information available on the Legislative Branch website: http://leg.mt.gov/

What: Executive Branch Agencies
Where: Contact agency director (Phone numbers and e-mail addresses are listed online in the state telephone directory.)
Websites of state agencies: http://mt.gov/govt/agencylisting.asp

---

What: Montana Courts
Where:
- Montana Supreme Court
  Clerk of the Supreme Court
  (406) 444-3858
- State Law Library
  (406) 444-3660
- Court Administrator
  (406) 841-2950

What: *The Tribal Nations of Montana*. A handbook for legislators prepared by the Committee on Indian Affairs, a legislative committee. ✡
Where: Legislative Reference Center

■ *Chapter 3: Organization and Services of the Legislative Branch*

What: Consumer Counsel ✡
Where: (406) 444-2771
http://leg.mt.gov/consumer

■ *Chapter 4: Legislators*

What: *Legislative Leadership: A Guide to the Roles and Responsibilities of Legislative Leaders* ✡
Where: Available from the Legislative Communications Office
(406) 444-3067
E-mail: leginfo@mt.gov

✡ Denotes documents or information available on the Legislative Branch website: http://leg.mt.gov/

What: Commissioner of Political Practices
Where: (406) 444-2942
http://politicalpractices.mt.gov

■ *Chapter 6: Legislative Procedures* ✡

What: *Rules of the Montana Legislature*. A booklet that includes the Joint Rules, Senate Rules, House Rules, the Montana Constitution, and the United States Constitution. The resolutions that establish the rules are also available on the LAWS section of the Legislative Branch website (see below under Chapter 13). The booklet is published after the rules are adopted at the beginning of each session.
Where: LSD

What: *Mason's Manual of Legislative Procedure*
Where: Available for loan to legislators from the Legislative Reference Center.

■ *Chapter 7: Making Public Policy Through Bills and Resolutions* ✡

What: *Bill Drafting Manual 2012*. The *Bill Drafting Manual* establishes the format and style guidelines for bills and resolutions and provides information about laws applicable to bills and resolutions, special types of bills, bills with special provisions, and amendment drafting. ✡
Where: LSD

What: *Legislative Budget Analysis; House Bill No. 2 Narrative.* Legislator training information regarding state finances and the budgeting and appropriation process and other information related to fiscal matters. ✡
Where: LFD

✡ Denotes documents or information available on the Legislative Branch website: http://leg.mt.gov/

What: *Legislator's Guide to Fiscal Notes* (brochure)
Where: Governor's Office of Budget and Program Planning
State Capitol, Room 277
(406) 444-3616

What: *From Idea to Introduction: A Guide for Legislators on Requesting and Sponsoring Bills* ✡
Where: Available from the Legislative Communications Office
(406) 444-3067
E-mail: leginfo@mt.gov

What: *Administrative Rules: A Legislator's Guide to Delegating Authority Through the Bill Drafting Process* ✡
Where: Available from the Legislative Information Office
(406) 444-3067
E-mail: leginfo@mt.gov

What: *Laws of Montana*. Session Laws for each legislative session are published.
Where: LSD. Available at no cost to legislators who served in the session.

What: Daily journals ✡
Where: Each house distributes to members. Members of the public may purchase journals from the Legislative Printing and Distribution Office.

What: *Montana Legislative Review*. Summary of all bills that have become law, organized by Session Law chapter number. Includes the bill number, chief sponsor, and title of the bill. Also includes a subject index, a table of code sections affected, a table of session laws affected, a table of session law to code, tables cross-referencing bill numbers and chapter numbers, and an effective date table. ✡
Where: LSD (Free to all MCA subscribers.)

✡ Denotes documents or information available on the Legislative Branch website: http://leg.mt.gov/

What: *History and Final Status of Bills and Resolutions* ✡
Where: LSD

■ *Chapter 10: Participants in the Process*
(For the most recent list of media representatives, contact the Legislative Communications Office)

What: *Having Your Say: How to Testify Effectively Before a Legislative Committee* (brochure)
Where: LSD or Legislative Communications Office
Phone: (406) 444-3067
E-mail: leginfo@mt.gov

What: Associated Press Statehouse Office
Where: State Capitol, Room 336
Phone: (406) 449-5542
Fax: (406) 449-6104

What: Lee Newspapers State Bureau
Where: Phone: (406) 447-4066 or 447-4068
Fax: (406) 443-0034

What: Great Falls Tribune Capitol Bureau
Where: Phone: (406) 442-9493
Fax: (406) 442-9413

What: Max Media Capitol Bureau
KFBB, KHBB, KULR (ABC, NBC)
Where: State Capitol, Room 52
Phone: (406) 443-6390

What: Montana Television Network Capitol Bureau
KXLH, KRTV (CBS)
Where: State Capitol, Room 52
Phone: (406) 442-4641

What: Montana Public Radio Capitol Bureau
Where: State Capitol, Room 81
Phone: (406) 444-9399

What: Yellowstone Public Radio
Where: Phone: (406) 657-2987
Fax: (406) 657-2977

■ *Chapter 11: Getting Paid and Other Important Details*

What: LSD Financial and Human Resource Office
Where: State Capitol, Room 154
(406) 444-3064

What: *The State Employee Benefits Plan*
Where: LSD Financial and Human Resource Office (see above) or
Montana Department of Administration, Health Care Benefits Division
100 N. Park Ave., Suite 320
P.O. Box 200130
Helena, MT 59620-0130
(406) 444-7462 or (800) 287-8266
E-mail: benefits@mt.gov

✡ Denotes documents or information available on the Legislative Branch website: http://leg.mt.gov/

What: Montana Public Employee Retirement Administration (MPERA)
Where: 100 N. Park Ave., Suite 200
P.O. Box 200131
Helena, MT 59620-0131
(406) 444-3154 or (877) 275-7372
E-mail: mpera@mt.gov
http://doa.mt.gov/perb/
Member handbooks may be obtained from the LSD Financial and Human Resource Office.

■ *Chapter 12: Interim Activities*

What: *Interim Directory of Legislative Committees and Activities.* Includes other committees on which legislators serve.✡
Where: LSD

■ *Chapter 13: Information Centers*

What: Session information through LAWS ✡
Where: On the Legislative Branch website (http://leg.mt.gov/), click on "Session" on the left side of the page. Click on the session year and then the link for LAWS. Detailed instructions are available through the "Help" link at the bottom of the page. To directly look up bill information from the Legislative Branch website, click on "Bills" on the left side and then on the session year. To directly access LAWS for the current session, visit http://leg.mt.gov/laws.htm.

What: State Law Library
Where: Justice Building
215 N. Sanders St.
P.O. Box 203004
Helena, MT 59620-3004
(406) 444-3660 or (800) 710-9827
http://courts.mt.gov/library/

✡ Denotes documents or information available on the Legislative Branch website: http://leg.mt.gov/

What: Montana State Library
Where: 1515 East 6th Ave.
P.O. Box 201800
Helena, MT 59620-1800
(406) 444-3115
http://msl.mt.gov/
E-mail: mslreference@mt.gov

What: Census and Economic Information Center
Where: 301 S. Park Ave.
P.O. Box 200505
Helena, MT 59620-0505
Phone: (406) 841-2740
Fax: (406) 841-2731
http://ceic.mt.gov/
E-mail: ceic@mt.gov

APPENDIX B: GLOSSARY OF COMMONLY USED TERMS

ACT: Legislation that has been passed by both the Senate and the House of Representatives, enrolled, and approved by the Governor or passed over the Governor's veto or without the Governor's approval.

ADJOURNMENT: Ending of a meeting or daily floor session. Adjournment of the Senate or the House of Representatives takes place at the close of each legislative day, with the hour and day of the next meeting set before adjournment.

ADJOURNMENT SINE DIE: Ending of the current session of the Legislature. No future meeting date is set except as provided in law.

ADOPTION: Approval or acceptance; usually applied to motions, amendments, and resolutions.

AMENDMENT: A change proposed or made to a bill or resolution. Amendments to bills and resolutions may be offered in a standing committee, in a conference committee, or on second reading during consideration by the Committee of the Whole.

APPROPRIATION: Legislative authority for expenditure of state money for a specific purpose.

BILL: A proposed law that is sponsored by a legislator and presented to the Legislature for consideration. Also called legislation.

CALL OF THE SENATE (HOUSE): A procedure used to compel attendance of absent members.

CALL TO ORDER: The action of the presiding officer that brings either house officially into session.

CAT AND DOG BILL: A bill that makes a specific appropriation for a specific purpose that is not included in the general appropriations bill.

CAUCUS: A meeting of all members of a political party. The term also refers collectively to all members of a political party in a house.

CHAMBER: The official meeting place of the Senate or the House of Representatives.

COMMITTEE OF THE WHOLE: The convening of an entire legislative house into a committee for the transaction of business on second reading.

CONCURRENCE: Agreement by one house to a proposal or action of the other house.

CONFERENCE COMMITTEE: A group of legislators appointed by the presiding officer in each house to resolve differences between the houses on a bill.

CONFIRMATION: Approval by the Senate of a nomination for an appointment made by the Governor.

CONFLICT OF INTEREST: A conflict created by a personal interest of a legislator that affects the ability of that legislator to vote impartially or that gives rise to an appearance of impropriety. Under current ethics laws, a conflict of interest does not arise from legislation or legislative duties affecting the membership of a profession, occupation, or class.

CONSTITUENT: A person who lives in the district represented by a legislator.

CONVENE: To officially begin a meeting of a legislative body.

DISTRICT: The geographic area of Montana represented by a legislator. Each district is designated by a number. A Senate district consists of two adjoining House of Representatives' districts.

EFFECTIVE DATE: The date on which a law takes effect and becomes binding. Most laws take effect on October 1 following a session unless otherwise specified.

ENGROSSING: The incorporation of amendments and all appropriate technical corrections into the text of a bill.

ENROLLING: The preparation of a bill in the form that it finally passes the Legislature for presentation to the Governor, filing with the Secretary of State, or referral to the people for a vote.

EX OFFICIO: By virtue of one's office or position.

FISCAL NOTE: A brief document that contains an analysis of a bill's dollar impact on state or local revenue, expenditures, or fiscal liability.

FISCAL YEAR: The 12-month period that is the basis for the state's budgeting and financial activities. The state fiscal year begins on July 1 and ends on June 30.

HEARING: Public discussion scheduled by a standing committee for the purpose of gathering information on a bill.

INITIATIVE: A process through which citizens may initiate the enactment or amendment of laws or the amendment of the constitution. If a specified percentage of the qualified electors sign a petition, the measure is placed on an election ballot for approval or rejection by the voters. If approved by the voters, the proposal becomes law. The process may also be used to call for a constitutional convention.

INTERIM: The period of time between regular legislative sessions.

JOURNAL: The official chronological record of the proceedings in a house.

LEGISLATOR: An elected member of either the Senate or the House of Representatives.

LEGISLATURE: The branch of government responsible for passing statutory laws. The Montana Legislature has two chambers: the Senate and House of Representatives.

LOBBYIST: A person who is hired to engage in the practice of promoting or opposing the enactment of legislation before the Legislature or the members of the Legislature.

MAJORITY PARTY: The political party having the most members in a house.

MESSAGE FROM THE GOVERNOR: An official communication from the Governor that is recorded in the journal.

MESSAGE FROM THE SENATE (HOUSE): An official communication from the opposite house that is recorded in the journal.

MINORITY PARTY: The political party having the second most members of a house.

MINUTES: A record of the actions taken at a committee meeting that serves as the official and legally required record of the meeting.

MONTANA CODE ANNOTATED: The official codified, published version of the statutes of Montana that are of a permanent or general nature.

MOTION: A formal proposal offered by a member.

PER DIEM: Literally “for a day”. The term is used to refer to a payment that a legislator receives to defray expenses associated with attending official legislative meetings or for conducting official legislative business.

POINT (QUESTION) OF ORDER: A motion of a member that calls attention to a potential violation of order or of the rules and requests a determination by the presiding officer as to whether or not a violation has occurred.

PRESIDING OFFICER: The person who presides over a committee or a house. The term is a gender-neutral term for "chairman".

PREVIOUS QUESTION: A motion to close debate and bring the pending question to an immediate vote.

QUORUM: The minimum number of members of a legislative body required to be present for valid transaction of business.

RECESS: A break in a committee meeting or daily floor session of a house.

RECONSIDERATION: A parliamentary process by which a motion or question that has been acted on may be brought back before the body.

REFERENDUM: The submission of a proposed or enacted piece of legislation to the people for approval or rejection. The referendum may be initiated by the Legislature or by voters through a petition process.

REGULAR SESSION: The regularly scheduled session of the Legislature that begins in January of each odd-numbered year and lasts for up to 90 days.

REQUESTER: The legislator or committee that asks that a bill or resolution be drafted.

RESOLUTION: A document that expresses the opinion or will of the Legislature or a house of the Legislature, that requires an interim study, or that governs the business of the Legislature or a house of the Legislature. A resolution does not have the force of law.

SPECIAL SESSION: A meeting of the Legislature convened at the request of either the Governor or a majority of the members of the Legislature. A special session is limited to matters specified in the call of the special session.

SPONSOR: The legislator who introduces a bill or resolution and guides it through the legislative process.

STANDING COMMITTEE: A committee established by a house's rules to consider legislation in a specified subject area and to perform other duties.

STATUTE: A law passed by the Legislature. In Montana, statutes are compiled into the Montana Code Annotated (MCA).

SUBSTITUTE BILL: An amendment that replaces the text of an entire bill. (To be valid, the substitute bill may not change the original purpose of the bill.)

TABLE OR LAY ON THE TABLE: A motion to set aside consideration of the pending question in such a way that its consideration may be resumed at the will of the body.

TERM LIMITS: Constitutional limits on how long a legislator or other state official may serve in one office. Senators and representatives may serve no longer than 8 years in one chamber in a 16-year period.

THIRD READING: The point in the legislative process when legislators in each chamber take a final vote on a bill.

TRANSMITTAL: The act of sending a bill to the second chamber for consideration after it has been passed by the first chamber. Different types of bills have different transmittal deadlines in the legislative rules.

VETO: An action taken by the Governor to reject a bill passed by the Legislature.

APPENDIX C: ACRONYMS

ARM	Administrative Rules of Montana
BASE	Base Amount for School Equity (school funding)
CFHHS	Children, Families, Health, and Human Services (interim committee)
CFR	Code of Federal Regulation
CHIP	Children's Health Insurance Program
CSG	Council of State Governments
D of A	Department of Administration
DEQ	Department of Environmental Quality
DNRC	Department of Natural Resources and Conservation
DOR	Department of Revenue
DOT	Department of Transportation (also MDT)
DPHHS	Department of Public Health and Human Services
ELG	Education and Local Government (interim committee)
EQC	Environmental Quality Council
ETIC	Energy and Telecommunications Interim Committee
FTE	Full-Time Equivalent (employee)
FWP	Department of Fish, Wildlife, and Parks
FY	Fiscal Year
GABA	Guaranteed Annual Benefit Adjustment (state employee retirement)

GF	General Fund
LAC	Legislative Audit Committee
LAD	Legislative Audit Division
LAWS	Legislative Automated Workflow System
LC	Legislative Council (Each bill draft request is given an "LC" number in order of request.) The Legislative Services Division was called the Legislative Council (LC) when this numbering system was implemented.
LCO	Legislative Communications Office
LEPO	Legislative Environmental Policy Office (staffs the EQC, ETIC, and WPIC)
LFA	Legislative Fiscal Analyst
LFC	Legislative Finance Committee
LFD	Legislative Fiscal Division
LSD	Legislative Services Division
LJIC	Law and Justice Interim Committee
MACo	Montana Association of Counties
MCA	Montana Code Annotated (the codified laws or statutes of Montana)
MPEA	Montana Public Employees Association
NCSL	National Conference of State Legislatures
OBPP	Governor's Office of Budget and Program Planning
OLIT	Office of Legislative Information Technology
OPI	Office of Public Instruction

ORPA	Office of Research and Policy Analysis
PERS	Public Employees' Retirement System
PNWER	Pacific Northwest Economic Region
RAT	Revenue and Transportation (interim committee)
SABHRS	Statewide Accounting, Budgeting, and Human Resource System
SAVA	State Administration and Veterans' Affairs (interim committee)
SID	Special Improvement District
TIF	Tax Increment Financing District
TVMT	Television Montana (legislative public affairs television and Internet broadcasting service)
USC	United States Code
WIC	Women, Infants, and Children (program)
WPIC	Water Policy Interim Committee

APPENDIX D: COLORS FOR PRINTING OF BILLS, RESOLUTIONS, AND NOTES

White	Introduced bill or resolution and enrolled bill or resolution.
Yellow	Second reading bill or resolution in first house.
Blue	Third reading bill or resolution in first house. (Also first reading in second house.)
Tan	Second reading bill or resolution in second house.
Salmon	Third reading bill or resolution in second house -- "reference bill".
Ivory	Reference bill with later amendments (conference committee or Governor's amendments).
Buff	Original fiscal note.
Cherry	Amended fiscal note.
Gray	Sponsor's fiscal note.

INDEX

Absence 89
Absentee voting 8
Accountability 24
Acronyms and abbreviations 114
Adjournment 31, 74, 79, 109
Administrative rules 2, 38, 104
Agendas 9, 89
Aides, legislative 89
Amendments coordinator 50, 52
Amendments to bills and resolutions 46, 47, 48, 109
    "adoption" defined 109
    appropriation bills 52
    committee amendments 64, 68
    committee reports 47
    conference committees, consideration of 48
    coordination instruction 48
    drafting 46, 50, 52, 61
    engrossing 110
    fiscal impact, changed by amendment 55, 60
    general appropriations bill (HB 2) 51
    governor's amendments 49, 50
    in second house 48
    journals, recorded in 47, 79
    motions for and voting on 46, 47, 65
    purpose of bill, may not be changed 38, 51
    read a bill, how to 53
    second reading 47
    subcommittee 66
    substitute bills 113
    third reading, prohibited on 47
    transmittal of bills with amendments by second house 48
Appeals
    question of order 35, 62
    rules, interpretations by presiding officer or rules committee 36
Appropriation bills 37, 38, 44, 51, 52
    "cat and dog bill" 109
    "feed bill" (HB 1) 89
    general appropriations bill (HB 2) 51, 103

Appropriations 109
fiscal analysts, responsibilities 18, 61
item veto 49
process 51
restrictions on 38
subcommittees 51
Appropriations, House Committee 17, 51
Arrest -- permitted/prohibited 21, 71
Attendance of legislators compelled 71, 76, 109
Audits 16
Attorney general 3, 34
Benefits and compensation 86, 106
Bill Drafting Manual 38, 40
Bills and resolutions 37, 109, 112
"adoption" and "amendment" defined 109
amendments -- See Amendments to bills and resolutions
appropriation bills -- See Appropriation bills
colors for printing 117
committee bills 66
conflicting provisions between bills 48
consent calendar 68
coordination instructions in bills 48
cosponsors 44
definitions sections 53
drafting 34, 39-41, 66
"requester" defined 112
requests, deadline 39
effective date 38, 110
engrossing 110
enrolling 49, 110
executive action 64, 65
false entry or false alteration 39
first reading and commitment 46, 73, 77
fiscal impact statements, local government 56, 64
fiscal notes 46, 47, 54-56, 64, 110
floor leaders, responsibilities 8, 10
floor sponsors 48
general bills 37
history and final status of bills and resolutions 57
information through LAWS 42, 43, 96
interim study requests 38, 41, 93

introduction 38, 43
prohibited, when 39
joint resolutions 37
law, how a bill becomes 44
legal review 43
legislative reference center 97
nonsubstantive changes 54
passage and filing with secretary of state 56
preamble 53
preintroduction 42
printing and distribution 100
read, how to 53
referral to committees 7, 9, 45-48, 67
repealer sections 54
requests, preparing 39-44
requirements, statutory 38
revenue bills 37
rules of the Montana legislature, resolutions 32
second reading 45, 47, 48, 73, 77
secretary of the senate, responsibilities 9
sections of a bill 53
segregation 47
seven bill limit 39
simple resolutions 37
single subject requirement 38
speaker of the house, responsibilities 9
sponsors 44, 46, 47, 51, 55, 63, 113
status, monitoring and changing 42
substitute bills 113
suspension of rules 36
third reading 45, 47-49, 113
title 38, 51, 53
transmittal 47, 52, 113
underlined, capitalized, or stricken words 53
Bills Distribution Office 89, 100
Broadcast of legislative proceedings 70, 74, 85
Budget director and Office of Budget and Program Planning 55, 56
Budgets
fiscal year 111
legislative branch 12, 14
house of representatives, approval 9

interim committees 89, 93
senate, approval 7
travel, leadership-approved 89
legislative budget analysis 52, 103
legislative finance committee, duties 17
state agencies 18, 51
Business and employment disclosure statements, filing 23
Call of the House 76, 109
Call of the Senate 71, 109
Caucuses 26-28, 34, 109
Census and Economic Information Center 99, 108
Chambers, access to 9, 11, 70, 75, 109
Chaplains, appointment of 27
Chief Clerk of the House 11, 27
Citizen participation 29, 30, 58, 62, 63, 81, 82
Code Commissioner 12, 13, 56
Committee of the Whole 47-49, 52, 73, 77-82, 110
Committees
appointments to 10, 27, 58
assignment/referral of bills to 7, 9, 43, 45-48, 67, 73, 77
conference 45, 48, 49, 72, 77, 79, 110
consideration and action 47, 48
drafting requests 39, 66
executive action 64
free conference 48, 52
fiscal notes 47, 54-56 64
hearings 45-48, 62-64, 82, 111
interim -- See Interim Committees
majority floor leaders as ex officio members 8, 10
meetings 30, 33, 74, 79
minority floor leaders as ex officio members 8, 10
minority members, assignment recommendations 10
minutes 68, 111
presiding officers 64, 72, 74, 79, 93, 112
procedural rules 32, 33, 61
question/point of order 35, 60, 62, 112
quorum 8, 10, 62
reports and minutes 45, 47, 48, 49, 60, 67, 68, 72, 76, 77, 77
select 27, 28, 72, 77
senate committee on 26, 27, 59, 93
speaker of the house as ex officio member 10

standing 58-68, 113
action and recommendation 65-68
adverse committee reports 77
amendments to bills 50, 60, 61, 65, 68
committee bills 66
research or fiscal analyst or attorney -- responsibilities 47, 50, 61, 64, 65
role 58
schedule and workload 59
secretaries 9, 11, 60, 61, 69
subcommittees 66
votes and voting 62, 69
work sessions 66
take bill from committee and place on second reading 46
witnesses 32, 63-65
Compensation and benefits 23, 86-91
Composition of legislature 20
Computer System Planning Council 92
Computers, availability 90, 98
Conflict of interest 22-24, 110
Constituents 82, 110
Constitution of Montana 29
amendment 31, 37
requirements for bills 38
separation of powers 2
Constitution of the United States, ratification or proposal of amendments to 38
Consumer Counsel 19
Convening 110
house of representatives 28, 76
senate 27, 71
Copying and photocopiers 90
Deferred Compensation Plan 88
Delegation of Powers 2
Disclosures, conflict of interest and business and employment statements 22, 23
Districting and Apportionment Commission 14, 21, 92
Districts, legislative 21, 110
Duties of legislators generally 20, 22
Election of legislators 25
Emergency sessions 26
Employees, senate and/or house 9, 11, 27
Employment disclosure statement 23
Environmental Quality Council (EQC) 14, 92, 93

Ethics
code of 22-24, 83
committees 23, 24
Executive action 64, 65
Executive Branch 2, 3, 83
Expenditure analysis 18, 19
Expenses of legislators 86-89
FAX machines 90
Federal government 4
Finance and Claims, Senate Committee on 17, 52
First day of session 25, 27, 28
Fiscal impact statements, local government 56, 64
Fiscal notes 54-56, 64, 110
rebuttals 55
Floor action 45-49, 70-79
Floor leaders
majority 8, 10, 26, 78
minority 8, 10, 26, 42, 78
Floor procedures, point of information/inquiry/order 35
Floor sessions 70-79
Flor chart of legislative process 45
Food service 90
"Fraud Hotline" 15
Galleries of Senate and/or House 70, 74
Governor 3
action on bills 45, 49
amendments 49
appointments by, confirmation 3, 37
messages from 72, 77, 111
special session, call for 25, 31, 112
veto 30, 45, 49, 113
override 31, 50
Harassment prohibited 22
Hearings
committees, generally 30, 45-48
committees, standing 62
news media, access 84
public notice 30, 62
Housing for legislators 90
Immunity, legislative 21
Impeachment of public officials 2

Indian Affairs, Office of 5
Indian tribes and tribal governments 5, 6, 93, 102
Information technology 15
Information centers 95-99
Information requests 94
Initiatives 111
Inquiry, point of 35
Insurance, legislators eligible 88
Interim activities 86, 89, 92-94, 111
Interim committees 12, 39, 42, 92, 93
Interim studies 12, 38, 93, 94
Internet access 42, 82, 90
Interns, legislative 90
Journals 30, 47, 49, 68, 79, 96, 97
Judicial Branch 2, 3, 33
Laws
    challenges, time limitation for 38
    codification and publication 56
    effective date 38, 110
    false entry or false alteration a crime 39
    how bills become 44
    Montana Code Annotated (MCA) 32, 54, 56, 98, 111
    "statute" defined 113
LAWS (Legislative Automated Workflow System) 96
Legal opinions and legal services 94
Legislative Audit Committee (LAC) 7, 15, 16
Legislative Audit Division (LAD) 7, 15, 101
Legislative Auditor 15
Legislative Branch 2, 7
Legislative Branch website 96
Legislative Communications Office 13, 95
Legislative Consumer Committee 19
Legislative Council 7, 11, 93, 94
    compensation guidelines 86
    drafting and drafting request rules 40-42
    interim committees and interim studies 12, 92-94
    interns, legislative -- administration of program 90
    presession caucus, sets date for 26
    TVMT, responsibility 85
Legislative Environmental Policy Office (LEPO) 13
Legislative Finance Committee (LFC) 7, 17-19

Legislative Fiscal Analyst (LFA) 17, 18
Legislative Fiscal Division (LFD) 7, 17, 52, 61, 101
Legislative Printing and Distribution Office 13, 14, 100
Legislative Process, flow chart 45
Legislative Reference Center 13, 14, 97
Legislative Services Division (LSD) 7, 12
    amendment drafting services 50, 52, 61, 65
    appropriation bill amendments 52
    committees, staffing 61
    drafting of bills and resolutions generally 40
    financial and human resource office 13, 86
    fiscal note, recommendations for 54
    interim studies, responsibilities 94
    internet access for legislators' personal computers 90
    legal services office 13, 43, 87
    mail, forwarding after session 91
    nonsubstantive changes in bills 54
    oversight by legislative council 11
    publications and distribution 13, 14, 32, 56, 97, 100
    TVMT, contract for 85
Lobbying and lobbyists 81, 82, 111
Local governments 6
Mail 91
Mason's Manual of Legislative Procedure 29, 34, 35, 73, 78, 103
Meetings
    absence, notification required 89
    adjournment 109
    broadcast coverage 85
    "caucus" defined 109
    committee procedural requirements 33, 62
    news media access 84
    open meeting provisions 29, 34, 62
    public notice 30, 62
Mileage allowance 88
Montana Courts 102
Montana Historical Society Research Center 99
Montana State Library 98, 108
Motions 32, 65, 66, 112
    adjournment, for 74, 79
    "adoption" and "amendment" defined 109
    amendments, for 46, 47, 50, 68

appeal of decision of presiding officer 36
committee action on bills and resolutions, for 65, 66
committee of the whole, limitations 73, 78
committee reports, for adoption 47, 72, 73
conference committees, regarding 72, 79
consent calendar, to place on 68
cosponsors' names, adding to bill -- for 72
general appropriations bill (HB2) 78
journals, recorded in 80
lay on the table, to 67, 113
order of business 72, 79
pairing of votes, effect 74
parliamentary inquiry 35
point/question of order 35, 112
postpone action, to 68
postpone indefinitely, to 67
previous question, to call for 112
questions by members directed through presiding officer 78
reconsideration of action, for 68, 72, 79, 112
redirect legislation, to 72, 79
referral of bills to or taking bills from committee 45-48, 67
revert to or pass to new order of business 72
rise and report 73, 78
progress and ask/beg leave to sit again 73, 78
segregate bills or resolutions 47, 74, 78
speaking on, limitations 71, 76
table, to 67, 113
table, to take from 68
veto override 72, 79
vote, to change individual 72, 79
News media 70, 75, 84, 84, 105, 106
News releases/conferences 84, 95
Oath of office 27, 28, 31
Officers of the Senate and/or House 7, 9, 26
Office space 91
Open meeting provisions 29, 30, 34, 62
Order of Business
house of representatives 76-79
senate 72-74
Order, point/question of 7, 9, 35, 60, 62, 112
Pages for legislators 9, 11, 91

Parking spaces, regulations, or violations 9, 11, 91
Parliamentary procedures or inquiries 33-35
Payroll 86-88
Per diem 86, 87, 112
Photocopiers and copying 90
Point of inquiry 35
Point of order 35, 112
Political Practices, Commissioner of 23, 24, 83, 103
Post office and post-office boxes 91
Presession caucuses and organization 26, 27, 86
President of the Senate 7, 26, 71
    appointments by 9, 27
    chambers, access restrictions -- exceptions allowed by 70
    drafting requests, request for prioritization 42
    fiscal note requests 7, 46, 60
    journal corrections 80
    legislative council, membership in 11
    referral of bills to committee 7, 59
    travel, session- or interim-related – authorization of 89, 89
President Pro Tempore of the Senate 8, 26
Presiding officer 112
....See also President of the Senate; Speaker of the House
    "call to order" defined 109
    committee reports, motions for adoption 72, 73, 78
    committees, of 58, 60-64, 74, 79
    communications between members directed to 71, 76
    enrolled bills, signing 49
    fiscal notes, responsibilities 46, 54, 55, 69
    hearings, scheduling 60, 62
    interim committees 93
    parliamentary inquiries 35
    question/point of order 35, 62, 112
    questions of members directed through 73, 78
    referral of bills to committee 46, 67
    sergeant at arms, order maintained by 9, 11
    subcommittees 51
    vice presiding officers 10, 58, 60, 93
Press offices 84, 105, 106
Privilege, questions of 7
Privileges of legislators 21
Procedural rules 32, 33, 61, 62, 65

Procedures, legislative 29
Prohibited activities of legislators 23
Public access to legislative information 29, 30, 34, 81-85, 100
Publications and distribution 13, 14, 100
    bill drafting manual 37, 38, 103
    history and final status of bills and resolutions 57
    journals 47, 49, 68, 96, 97
    Montana Code Annotated (MCA) 32, 56, 98, 111
    Montana legislative review 57, 104
    rules of the Montana legislature 32, 103
    session laws 56, 97, 99
Public Service Commission 3, 19
Punishment or expulsion of legislators 24, 30
Qualifications for legislators 21
Questions
    order, of 7, 9, 35, 60, 62, 112
    presiding officer, directed through 73, 78
    previous 112
    privilege, of 7
    reconsideration 112
    understanding the question 35
Quorum 112
    committees, generally 8, 10
    committees, standing 62
    each house 31, 71, 76
Recall of legislators 24
Recess 31, 112
Reconsideration of actions 46, 68, 72, 79, 112
Redistricting and reapportionment 21
Referendum measures 37, 112
Reimbursement claims 89
Representation by legislators 20
Research and reference services 14, 97-98
Resolutions 37, 112
Responsibilities of legislators generally 20, 22
Retirement system membership 87, 107
Revenue estimation and tax policy analysis 18, 19
Right to know 30
Rules Committees 24, 27, 36, 59

Rules of the Montana Legislature 29, 32-36, 103
absentee voting authorization forms 8, 76
adoption or amendment 27, 28, 32, 37
adverse committee reports, procedures for 77
committee of the whole, motions permitted 72-74, 78
committees, standing
establishment 58
procedure, pertaining to 61
deadlines established in 39, 43, 47, 48, 51
drafting of bills and resolutions, pertaining to 39, 43
ethics committee, senate -- referral of matters to 24
floor sessions, pertaining to 70
general appropriations bill (HB2), governing debate on 78
interpretation 36
joint resolutions, authorized uses 37
learning the rules, tips and concepts 35
order of business established in 71, 76
participation by legislators in all matters required by 22
printing and distribution 14, 32
questions by members directed through presiding officer, motion for 78
suspension 36
temporary operating rules 27, 28, 32
violation 24, 32, 36
Rules, procedural 29, 32, 33, 61, 62, 65
Safety and facility services 9, 11
Salary of legislators 86, 87
Schedule of legislature 91
Secretary of State 3, 28, 49, 56
Secretary of the Senate 9, 27, 44, 46, 74, 90, 91
Separation of powers 2
Sergeants at Arms 9, 11, 27
Session Information Desk 13, 95
Sessions -- regular, special, and emergency 25, 26, 31, 112
Sick leave benefits not applicable 88
Smoke-free, state buildings to be 91
Social security (including Medicare) deduction 86
Speaker of the House 9, 11, 26, 76
....See also Presiding officer
appointments by 10, 27, 28, 58, 93
chambers, access restrictions -- exceptions allowed by 75
drafting requests, request for prioritization 42

fiscal note requests 9, 46, 54, 60
journal corrections 80
legislative council, membership 11
papers distributed to representatives, approval 76
quorum established by, when 10, 62
referral of bills to committee 9, 59
rules of house, interpretation 36
travel, session- or interim-related – authorization of 89, 89
Speaker Pro Tempore of the House 10, 26
Special sessions 25, 26, 31, 112
State agencies 23, 83, 102
State Law Library as information center 99, 107
State-Tribal Cooperative Agreements Act 6
State-Tribal Relations Committee 92, 93
Subcommittees 51, 60, 66
Supplies for legislators 91
Taxes
federal and state income tax withholdings, deduction from salary 86
per diem allowance, treatment for income tax purposes 87
travel expenses may be deductible 87
Tax policy analysis 18
Telephones, authorized use 91
Televising proceedings 85
Term limits 113
Traditional practices 29, 32
Training for legislators 95, 98
Travel expenses 88, 89
Tribal governments 5, 93
TVMT 85
Veto by Governor 30, 45, 49, 113
override 31, 50
Votes and voting
absentee and absentee vote forms 10, 76
amendments to bills and resolutions 47-49
appeal of decision of presiding officer 36
call of the house, during 76
change vote of individual legislator, motion to 72, 79
committee bills, introduction, 3/4 vote required 66
committees 62
conference committees 48, 49
conflict of interest 22, 110
consent calendar, recommendation of bills and resolutions for 68

consideration of bills after deadline, 2/3 vote required 47
constitutional amendment, bills for, 2/3 vote required 37
extraordinary vote requirements 30, 47
in absentia votes 62
journals, recorded in 47, 74, 80
order of business, revert to or pass to new order of 72
pairing of votes 74
proxy votes 62
punishment or expulsion of legislators, 2/3 vote required 24, 30
records 9, 11, 31, 60, 62
removal of bill or resolution from committee 67
responsibility of legislators 20, 22
roll call 62
rules suspension, 2/3 vote required 36
second reading 47
special session, call for 26
third reading 47, 74, 79
veto override, 2/3 vote required 31, 49
Whips, party 8, 10, 26
Word processing support 91