

Guidelines for Appointment of Legislators & Legislative Committees Recommendations for Bill Drafting Manual

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(1) If a bill or amendment provides for one or more legislators to be appointed to a new committee, commission or task force¹, etc., the bill or amendment must contain:

(a) the term of the appointment, and whether or not the appointment may exceed a legislator's term of office;

(b) a provision specifying that the appointments must be made by a date certain, preferably within 10 days following session and no later than June 30 of the session year;

(c) a provision specifying the appointing authorities using one of the following methods:

(i) a senator must be appointed by the committee on committees and a representative must be appointed by the speaker, both in consultation with the minority leaders prior to appointment; or

(ii) the president, speaker, majority leader, or minority leader is the appointing authority for each caucus's legislative members;

(d) a provision that the appointments follow 5-5-211, MCA, to the extent possible regarding equal numbers of members from each chamber and each party;

(e) a provision specifying whether reimbursement for salary as provided in 5-2-302, MCA, is or is not authorized and whether reimbursement for expenses as provided in 2-18-501 through 2-18-503, MCA, is or is not authorized and, if authorized, identifying the party or agency responsible for reimbursement.

(2) If a legislator is appointed by someone other than the legislator's respective legislative leadership for any nonlegislative committee, the appointing authority must be responsible for the reimbursement provided for in subsection (1)(e).

(3) The bill or amendment must provide that a vacancy must be filled in the same manner as the original appointment.

(4) If a bill or amendment provides for a statutory interim study committee, commission, or task force that includes nonlegislator members, the bill or amendment must contain:

(a) (i) direction on the appointment or election of a presiding officer; and

(ii) responsibility for staffing or other administrative duties related to committee operations. There is a preference for the presiding officer to relate to the administrative and staffing agency, i.e. legislator presiding officer if attached to a legislative division for administration and staffing.

¹This does not apply to interstate committee appointments such as NCSL, CSG, or PNWER or unique invitational meetings for which leaders are invited to appoint members. If the committee, etc., is a permanent committee with legislator appointments, be aware of Art. V, sec. 9, Mont. Const., that prohibits legislators from being appointed to a civil office.

(b) a date by which the interim work must be completed (by rule, traditional interim committees must end by September 15 prior to a session; later deadline is discouraged);

(c) a termination date of the study and committee (preferably prior to the next session) if the bill does not terminate prior to the next session;

(d) the term of the appointment of members;

(e) a deadline by which the members must be appointed;

(f) a specific appointing authority;

(g) a provision specifying whether or not the appointment does or does not authorize salary and reimbursement as provided in 2-15-124(7), MCA, or reimbursement for expenses as provided in 2-18-501 through 2-18-503, MCA; and

(h) if reimbursement is authorized, identification of the party or agency responsible for reimbursement.

(5) (a) Pursuant to Joint Rule 40-65, a bill or amendment including a request for an interim study may not be transmitted to the governor unless the bill contains an appropriation sufficient to conduct the study as determined by the fiscal note. The committee is limited to expending only the amount of the appropriation passed in the bill.

(b) The bill should contain an appropriation when introduced. However, if a bill is to be introduced in the senate, subsection (1) of the contingent voidness clause below must be included.

(c) A study bill must contain a contingent voidness clause in the event that the appropriation is vetoed after transmittal to the governor.

Example:

NEW SECTION. Section 2. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation prior to being transmitted to the governor, then [this act] is void.

(2) If the appropriation in [section *] is vetoed, then [this act] is void.