

Legislative Calendar Analysis
Review of Session Calendars from 1999-2017
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After reviewing legislative session calendars from 1999 through 2017, I have listed below some of the findings:

- **Statute sets the first day of session:** 5-2-103, MCA. "Time and place of meeting. Each regular session of the legislature shall be convened at the seat of government at 12 noon on the first Monday of January of each odd-numbered year or, if January 1 is a Monday, on the first Wednesday. " In 2019, the first day of session will be Monday, January 7, 2019. The last session to begin on January 7 was in 2013.
- **Legislative Council has generally adopted a calendar** in the even-numbered year before a session, along with adopting caucus and orientation dates. At least since 2001, once new leadership was elected, the calendar has been changed either before, during session, or both. In 2007, the calendar was changed by having more Saturdays off than the Legislative Council had adopted. There has not been a systematic recording or official method of the adoption of changes in the calendar, and the changes may often be determined only through reviewing the journal and the calendars saved on the website.
- **Actual transmittal days have often remained as the days that Council had adopted** in the presession calendar, yet in 2013, transmittal was shortened by one day, and in 2015, two additional days were added.
- **Transmittal ranges from 3 to 5 days, however, it is generally 4 days.** In 2009 and in 2013, transmittal was only 3 days. In 2005 and 2015, it was 5 days. In 2005, the first day back from transmittal was Legislative Day 45. In 2013, only the House reconvened on Legislative Day 46. In 2015, only the House reconvened on Legislative Day 45.
- **The length of Easter break is often changed during session,** in six of eight sessions for which information is available.
- **Easter break ranges from 2 to 5 days, most common is 4 Legislative Days (plus Sunday).** Easter break was 5 days (including Sunday) in 2015, and 4 days (including Sunday) in 2003 and 2013. In 2011, Easter originally would have occurred after Legislative Day 90, until the session calendar changed and then Easter break was 5 days (including Sunday), with legislators returning on Legislative Day 86.
- **The two chambers did not start having only one chamber meeting on a legislative day until 2001** (Senate-one day), then again in 2003 (House-one day), and in 2009

(Senate-one day). In 2005 and 2007, both chambers met on the same schedule. In 2011, 2013, and 2015, each chamber had one legislative day off. In 2017, the House had four, nonconsecutive days off (Legislative Days 46, 51, 62, 74), and the Senate had Legislative Days 42-45 off, and an additional day toward the end of session (Legislative Day 83).

- **The practice of taking Saturdays off began in 2003**, when the first 2 Saturdays were not scheduled and both chambers took both those Saturdays off. From 2005 through 2009 and in 2015, only the first Saturday was not scheduled. In 2005, the first Saturday was taken off in both chambers. In 2007, both chambers took the first 4 Saturdays off. In 2009, the first Saturday was taken off, and two Saturdays in April were also taken off. In 2011, the first 2 Saturdays were not scheduled, but it was the second Saturday in both January and April that were actually taken off. In addition, 2 four-day breaks from Thursday, April 14, through Sunday, April 17, 2011, and Thursday, April 21, through Monday, April 25, 2011, (Easter break) were taken off to provide time for the governor to process bills so that the Legislature could respond to any vetoes. In 2013, all Saturdays were scheduled, and in 2017, the first 2 Saturdays were not scheduled.
- **A sample calendar for 2019 is attached for illustration purposes.** If the first 3 Saturdays are taken off and transmittal is four days, transmittal would be Sunday, March 3, through Wednesday, March 6, 2019. Easter is on Sunday, April 21, so a four-day break (plus Sunday) would be Friday, April 19, through Monday, April 22, 2019. And if no Saturdays are taken off after transmittal, Legislative Day 90 would be on May 1, 2019. The Legislature has not gone to Legislative Day 90 since 2009.
- **Legislative Day.** JR 10-20. (1) If either house is in session on a given day, that day constitutes a legislative day. (2) A legislative day for a house ends either 24 hours after that house convenes for the day or at the time the house convenes for the following legislative day, whichever is earlier.

There are three main things to think of when changing calendars:

1. When transmittal deadlines fall:
 - a. Traditionally, moving one day either way can change a transmittal deadline to a Monday or a Saturday. Either way may have advantages or disadvantages depending on the transmittal type. The Appropriations transmittal date is the most complicated and requires input from the Legislative Finance Division. Transmittal of general bills (Legislative Day 45) and transmittal of amendments to appropriation bills (Legislative Day 80) are two examples of significant transmittal dates that can be affected by calendar changes.
 - b. If leadership wanted the option to not hold session on a Saturday previously scheduled and keep Day 90 static, the transmittal deadlines in the Joint Rules could be specified as a date certain. The rules may also need to specify that if legislative days change, the transmittal calendar days remain the same. Section 5-2-301, MCA, pays

for "those days during which the legislature is in session" so that should not be a problem. A draft example of the rules requiring change is attached.

2. Class 1 and 2 committees will often take either Friday or Monday off when Saturdays are not scheduled as a legislative day. Most committees will meet as necessary when the volume of bills warrants it. Leadership and the Secretary/Clerk generally monitor committees to ensure executive action is happening regularly and not waiting until too close to transmittal deadlines. A date certain may be easier to plan for than a legislative day deadline.

3. The affect on legislators regarding per diem and costs to the Feed Bill -- if there is more than a 3-day break, per diem is not received on the 4th or subsequent days. If you add additional Saturdays off, and if it extends to when Day 90 occurs, you may expend more budget than anticipated, if you go to Legislative Day 90.

Excerpts from Joint Rules referring to "legislative days"

10-20. Legislative day -- duration. (1) If either house is in session on a given day, that day constitutes a legislative day.

(2) A legislative day for a house ends either 24 hours after that house convenes for the day or at the time the house convenes for the following legislative day, whichever is earlier.

40-40. Bill requests and introduction -- limits and procedures. (2) The staff of the Legislative Services Division shall work on bill draft requests in the order received. After a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member. A bill requested pursuant to subsection (5) must receive a lower drafting priority than all bills requested by members, unless the requesting member assigns that request to the member's five-request priority. A legislator draft must receive priority at each step of the drafting process. A legislator draft must be delivered to the Legislative Services Division by the 20th legislative day or the request is canceled. The Speaker of the House, the minority leader of the House, the President of the Senate, and the minority leader of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 10 draft requests.

40-50. Schedules for drafting requests and bill introduction. The following schedules must be followed for submission of drafting requests and introduction of bills and resolutions.

	Request Deadline
	5:00 P.M.
	Legislative Day
! General Bills and Resolutions	10
! Revenue Bills	17
! Committee Bills and Resolutions	36
! Committee Revenue Bills	62
! Committee Bills implementing provisions of a general appropriation act	75
! Bills and Resolutions must be introduced within 2 legislative days after delivery.	
! Appropriation Bills	No Deadline
! Interim study resolutions	75

! Resolutions to express confirmation of appointments	No Deadline
! Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules	No Deadline

40-200. Transmittal deadlines. (1) (a) A bill or amendment transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted.

(b) (i) A bill, except for an appropriation bill, a revenue bill, or amendments considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative day.

(ii) Amendments, except to appropriation bills and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.

(c) (i) Revenue bills originating in the Senate must be transmitted to the House on or before the 71st legislative day.

(ii) House amendments to Senate revenue bills must be transmitted by the House to the Senate on or before the 82nd legislative day.

(iii) Revenue bills originating in the House must be transmitted to the Senate on or before the 71st legislative day.

(iv) Senate amendments to House revenue bills must be transmitted by the Senate to the House on or before the 82nd legislative day.

(v) A revenue bill is one that either increases or decreases revenue.

(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 67th legislative day.

(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.

(2) (a) A joint resolution introduced for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted no later than the 60th legislative day.

(b) Amendments to the resolutions must be transmitted to the house of origin no later than the 82nd legislative day.

(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any time during a session.

(4) Interim study resolutions must be transmitted from one house to the other on or before the 85th legislative day.

Attachments:

Spreadsheet for Legislative Calendar Study - 1999 to 2017

Draft 66th Legislature - 2019 Session Calendar