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MONTANA LEGISLATIVE HISTORY RESEARCH GUIDE

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What is a legislative history and why is it important?

The term “legislative history” can mean two different things. First, “legislative history” refers to the chronological progress of a bill through the legislative process from its introduction to its enactment into law. In the legal field, however, “legislative history,” also often refers to the collection of documents that are created during that process. Judges and attorneys often turn to these documents to try to determine why the legislature enacted a particular law or to aid in the interpretation of a portion of the law. This process of using legislative history to interpret a law is often referred to as finding the “legislative intent” behind the law.

How does the legislature pass laws?

The Montana legislature meets every other year on odd years for 90 days, starting in January. The legislative process begins when a legislator agrees to sponsor a bill and introduces the bill in either the House or the Senate (sometimes called the First Reading of the bill). Each chamber of the legislature divides its members into smaller committees that tackle certain topics, such as Taxation, Natural Resources, and Judiciary issues. After a bill is introduced, the Senate President or the House Speaker refers it to the proper committee[s] in that chamber for further study and consideration. The committee holds public hearings on the bill to collect information and discuss the pros and cons of the bill. A committee can decide to “table” a bill, which effectively kills the bill and ends the process, or the committee can decide to send the bill to the full House of Representatives or Senate with a recommendation that the bill “do pass,” “do pass as amended,” or “do not pass.” The entire House or Senate (sometimes called the “Committee of the Whole”) then debates and votes on the bill (known as the Second Reading of the bill). Additional amendments may be offered and voted on at this time. Finally, the bill is subject to a simple yes or no vote by the entire membership of either the House or Senate and each member’s vote is recorded (Third Reading of the bill). No amendments may be considered at that time.

A bill that passes with a majority on Third Reading is then transmitted to the other chamber of the legislature and the process begins again with the bill being referred to another committee for consideration. If both chambers eventually pass the bill in identical form, the bill is enrolled (that is, checked for accuracy and then signed by the leader of each chamber) and sent to the Governor for his/her signature.

If the bills passed by the House and Senate are not exactly the same, the second chamber to review the bill returns the bill to the first chamber “approved with amendments,” with a request that the first chamber “concur in” or agree with the amendments. The Committee of the Whole of the first chamber then votes on whether to concur in the amendments passed by the second chamber. Generally, if the amendments are not concurred in, the first chamber will request a conference committee with the second chamber. A conference committee made up of members of the House and the Senate then meets to resolve any differences in the two versions of the bill. If the conference committee members can settle their differences, the bill is enrolled and sent to the Governor.

The Governor can sign the bill, veto the bill, or allow the bill to become law without his/her signature. If the bill is vetoed while the legislature is still in session, the legislature may vote to override the veto. (See [Montana Constitution, Art. VI, § 10](#) for further information).

At the end of each session, all of the laws passed by the legislature during that session are compiled into a set known as the *Laws of Montana* (also referred to as the “session laws”). Each bill that is signed by the Governor during the session is assigned a chapter number. Later, the Code Commissioner compiles these session laws with the laws of the state passed by previous legislatures that are still in effect. The Commissioner removes any repealed laws, amends the language of prior laws, and adds new laws passed by the legislature during the session. The Commissioner then arranges the laws that are currently in effect into a subject or topical arrangement known as the [Montana Code Annotated](#).

What documents are included in a compiled legislative history of a Montana bill?

The primary sources for determining legislative intent in Montana are the **minutes** of the meetings of the legislative committees that considered the bill, the **exhibits** to those hearings, and the various **versions of the bill** that were proposed throughout this process. ***Verbatim transcripts of the legislative committee meetings do not exist; the minutes are merely summaries of the proceedings and the testimony before the committees.*** Exhibits often are attached to these minutes. The exhibits include items such as proposed amendments, copies of written testimony, roll call attendance, roll call votes, and visitor registers.

In 1997, the legislature began making audiotapes of its committee hearings. And in 2005, the legislature began recording selected hearings as Real Audio files that can be accessed over the Internet. Thus, even though it is not possible to read a full transcript of the hearings, you can listen to complete hearings for some recent sessions. In addition, beginning with the 2003 session, the legislature started recording the meetings of the Committee of the Whole of each house (that is, the floor debates in each house of the legislature). Prior to that time, no transcript, summary, or recording of these floor debates was made beyond the short notations in the daily Journal for each house.

Based on the foregoing, a “typical” compiled legislative history from the State Law Library consists of the following documents:

- A copy of the **chronological history of the bill** that shows what happened to the bill as it proceeded through the legislative process;
- A copy of the **bill as it was originally introduced (“Introduced Bill”)**, which enables you to track proposed changes to the bill through the process (we do not normally include other versions of the bill unless specifically requested);
- The **minutes of the House committee hearing[s]** about the bill and the minutes of the meeting[s] at which the committee[s] voted on the bill, as well as the **exhibits to those meetings**, if any;
- The **minutes of the Senate committee hearing[s]** about the bill and the minutes of the meeting[s] at which the committee[s] voted on the bill, as well as the **exhibits to those meetings**, if any;

As noted above, additional information may be available from the audio/video recordings of committee meetings (recorded since 1997) and/or the recordings of the floor debates (recorded since 2003). Other versions of the bills may also be helpful. Finally, Journal entries for a bill may provide some additional information. ***However, the law library does not include these items in a compiled legislative history unless specifically requested to do so.***

How do you compile a legislative history?

Usually, the need for a legislative history arises after you have found a particular section of a statute in the Montana Code Annotated that seems unclear or ambiguous. If you cannot find Montana Supreme Court cases that explain what that section means, you may want to consult the legislative history to try to determine what the legislature meant when it enacted that ambiguous language.

Following each section of the MCA, there is a “History” notation that lists each of the session laws that either enacted (preceded by “En.”) or amended (preceded by “amd.”) the section. These references are usually in the following format:

En. Sec. 156, Ch. 480, L. 1997; amd. Sec. 29, Ch. 311, L. 2001.

This can be translated to mean that the MCA section was originally enacted by section 156 of Chapter 480 of the 1997 Laws of Montana and was amended by section 29 of Chapter 311 of the 2001 Laws of Montana. ***There will be a separate legislative history for the original enactment of a bill and a separate legislative history for each of the subsequent amendments to that bill.*** Some statutes have been amended numerous times throughout the years. You may not be interested in each and every amendment. In order to determine whether an amendment was important (that is, touched on a subject or particular language in the statute that is relevant to your case), you may want to look at each of the session laws first. You may discover that the language in which you are interested was added in 2001 and the amendments in 1993, 1987, and the original enactment in 1983 were unrelated to your topic. Thus, it may not be necessary (or wise) to spend time compiling histories for those other session laws.

Once you are sure that you need a legislative history for a particular session law or bill, you are ready to begin compiling your history. The first step when compiling a legislative history is the same as the first step when doing any legal research: see if someone else has already done the work for you! Throughout the years, the State Law Library has compiled many legislative histories of Montana statutes and a few histories of bills that were introduced in the legislature but that did not pass. These histories are kept in file folders in the grey vertical files on the West side of the library, on either side of the Public Access Computer area. The histories are arranged by year and then by the chapter number of the session law. If you are not able to visit the law library, you can [call or email us](#) to determine whether a particular legislative history has already been compiled. We provide copies of previously compiled legislative histories via mail, fax, or email, and we also compile new legislative histories for Montana residents. We charge a fee for this service. [Click here](#) for more information on fees.

If we have not yet compiled a legislative history and you would like to compile it yourself, the next step in the process depends on when the session law was passed.

[Before 1977](#)

[1977-1979](#)

[1981-1995](#)

[1997](#)

[1999-2007](#)

For bills passed before 1977: You must contact the [Montana Historical Society](#), which is the state depository for the legislature's original minutes. Their collection of committee minutes dates back to the early 1950s. In addition, the Historical Society also collects original bills dating back before the turn of the century.

For bills passed between 1977 and 1979: To compile a legislative history for bills passed during this time period at the State Law Library, follow these steps:

1. Translate your chapter number into a bill number by using either the Table of Contents in the first volume of the *Laws of Montana* for your session **OR** the Chapter Index in the back of the last volume of the *Laws of Montana*. These tables enable you to convert chapter numbers into House (HB) or Senate (SB) bill numbers. The *Laws of Montana* can be found in the Montana section on the first floor of the Law Library at call number KFM9025 .A24.
2. Look up your bill number in the Index to the *House Journal* or *Senate Journal* for the year in which the bill was passed. (Note: initially, there were separate indexes for each house; later, these indexes were combined into a single book). The *Journals* can be found in the Montana section on the first floor of the Law Library at call number KFM9018 .A2.
3. The numbers in the index indicate every page in the *House Journal* or *Senate Journal* where you can find references to your bill. By looking at each of these pages of the *Journal*, you will be able to determine which committee[s] in each chamber considered the bill.
4. The committee minutes are located in spiral-bound notebooks directly behind the *Laws of Montana* and *Journals* in the Montana section on the first floor of the Law Library. The minutes are arranged by year; then by chamber; then by committee; and finally by date.
5. At this point, you can locate the minutes for the date[s] that the committee heard the bill. You will want to check the minutes for each date thereafter until you find the minutes that describe the committee's vote on the bill.
6. Be sure to check the end of each day's minutes to see if any of the exhibits for that day pertain to your bill number.

7. If you need a copy of any version of the bill, the law library has copies of the various versions of the bills in our Reserve collection. Ask at the Circulation Desk to view these bills.

For bills passed between 1981 and 1995: Beginning in 1981, the legislature began publishing a finding aid for each session called the *History and Final Status*, which greatly improved the process of compiling a legislative history. You no longer have to consult the *Journals* to find references to your bill; the *History and Final Status* contains the chronological history of each bill introduced by the legislature during a given session.

1. Translate your chapter number into a bill number by using either the Table of Contents in the first volume of the *Laws of Montana* for your session **OR** the Chapter Index in the last volume of the *Laws of Montana*. These tables enable you to convert chapter numbers into House (HB) or Senate (SB) bill numbers. The *Laws of Montana* can be found in the Montana section on the first floor of the Law Library at call number KFM9025 .A24.
2. Look up your bill number in the *History and Final Status*. The History and Final Status can be found in the Montana section on the first floor of the Law Library at call number KFM9015 .C65. In this book, you will find the names of the committees to which the bill was referred, as well as the dates of the initial committee hearings on the bills and the dates that the committee reports were sent to the full House or Senate. From this information, you can locate the minutes for the date[s] that a particular committee held an initial hearing on your bill. You will want to check the minutes for each date thereafter until you find the minutes that describe the committee's vote on the bill to be sure that you obtain all of the pertinent minutes. Follow this process for each of the committees in the House and Senate that considered the bill.
3. Be sure to check the end of each day's minutes to see if any of the exhibits for that day pertain to your bill number.
4. Ask the Circulation Desk to view copies of the various versions of the bill, which are kept in our Reserve collection.

For bills passed during the 1997 session: The process for compiling these histories is the same as the process [for bills passed between 1981 and 1995](#) except that the exhibits are **not** included in the print version of the legislative committee minutes. The exhibits are only available on a CD-Rom. These CD-Roms can be found next to the printer for the Public Access Computers.

To find a specific exhibit on a CD-Rom, you will need to know the name of the committee, the legislative day on which the hearing was held, and the exhibit number. Next to the CD-Roms will be a file that enables you to convert dates to legislative days. The exhibits are arranged by year; then by chamber; and finally by committee. The file name for each exhibit reflects the committee name, the legislative day, and the exhibit number. The first 2 letters of the file name are the first 2 letters of the committee's name. The third letter (h or s) indicates whether the committee was in the House or Senate. For example, "nas" means the exhibit was from a hearing before the Senate Committee on Natural Resources.

Next, you will see a two-digit number. This number refers to the legislative day of the hearing. Again, you can translate a calendar date to a legislative day by using the notebook next to the CD-Rom case. Following the legislative day is a placeholder, "a." It does not stand for anything. The last thing that you will see is an exhibit number. The final zero at the end is not significant. Single numerals are represented with a zero in front of them. Thus, "010" means exhibit 1, not exhibit 10. Exhibit 10 will be represented as "100."

For most dates, you will also see a file named "ad0" or "add." This file is the administrative file; it contains items that are not marked as official exhibits, such as roll calls, visitor registers, standing committee reports, and proxy vote instructions. You should check this file to see if any of the administrative exhibits pertain to your bill number.

Here is an example of a file name and its translation:

Jus22a160

Senate Judiciary Committee, 22nd legislative day, Exhibit 16

If you are looking for electronic exhibits, please feel free to ask the Reference Librarian for help.

For bills passed between 1999 and present: The history and final status of the bills and the legislative committee minutes associated with those bills are available online through the Montana Legislature's website, www.leg.mt.gov.

1. From the Legislature's homepage, click on the link to **Sessions** on the left-hand navigation bar. Choose the appropriate Session for your search.
2. Click on the link at the top that says **LAWS**. This is the database that contains bill information.

3. After you obtain the needed information, click your **Back** button to return to the grey page with the picture of the Capitol Building Rotunda on it.
4. Click on the link that says **Look up Bill Information** and then enter your bill number in the boxes at the top.
5. You will next see the legislative history and final status of the bill, in reverse chronological order. This is the same information that is found in the print resource, *History and Final Status*. Print this document. It will tell you which committees heard the bill and when those hearings took place. Do **NOT** click on the link for the hearing – you will not find the committee minutes using this link!
6. Click on the link that says **Current Bill Text**. This will bring up the final, engrossed version of the bill. If you are interested in seeing other versions of the bill (including the Introduced Bill), you can find these by scrolling to the bottom of the page and clicking on the link to **All versions of all bills in WP 5.1**.
7. The bills are batched in folders of 100 – House bills number 1-99 are contained in a file called **HB0099**; House bills number 100-199 are contained in a file called **HB0199** and so forth. Choose the appropriate folder.
8. The different versions of a bill are indicated by an underscore and then a number (1, 2, or 3 for the various readings) or an x (for the engrossed version). For example, a file named **HB0005_1.wpd** is the Introduced Version or First Reading Version of House Bill 5. Choose the appropriate file and print your bill.
9. Use your **Back** button to return to the Sessions page for your particular session. The page will say Year Legislative Session at the top.
10. *NOTE: If you cannot open the minutes by clicking on the links as described below, try **Right Clicking** on the links instead. In the pop-up box, click on the button that says **Save Target As. . .** The minutes will then be downloaded to your computer. After this process is complete, click the **Open** button to view the minutes from your computer rather than through the website.*

1999-2001 Minutes: Click on the link that says **Committee Minutes**. Examine the chronological history of your bill to determine which committees heard your bill and when. Choose the appropriate committee for each house, and then choose the appropriate date for each committee's hearing. Check each date

thereafter until you find the minutes that describe the committee's vote on your bill.

2003 Minutes: Scroll down to the Legislative Assembly Information section of the page. You should see a heading for Committee Minutes. Click on the appropriate chamber of the legislature, then choose the appropriate committee, and finally the appropriate date. Check each date thereafter until you find the minutes that describe the committee's vote on your bill.

2005-2007 Minutes: Scroll down to the Legislative Assembly Information section of the page. Click on the appropriate house of the legislature, then choose the appropriate committee. You will see a link to the minutes for each date and, for selected committees, a link to a Real Audio file recording of the hearing for that date. (Note: if the hearing was recorded using Real Audio technology, the minutes themselves will NOT be substantive and instead will only provide a brief tape log of who was speaking and when. Hearings that were not recorded will have more substantive minutes). Check each date thereafter until you find the minutes that describe the committee's vote on your bill.

11. *Exhibits:* The exhibits to the committee hearings held before 2005 are not available online. These exhibits are available on a CD-Rom from the State Law Library. For information on using these CD-Roms to find exhibits, [see page 6 above](#) or contact the [Reference Librarian](#) to obtain copies of these exhibits.

In 2005, the legislature began posting committee exhibits online. These exhibits are in .pdf format and are accessible through the hypertext links in the minutes.

12. For more information, additional recordings of the committee hearings and/or recordings of the floor debates for this time period may exist. Contact the [Historical Society](#) for these items.