

There Oughta Be a Law... And You Get to Make It!

Bill Drafting 101

Presented by:

- Sue O'Connell
- Toni Henneman
- Laura Sankey Keip

Agenda for Today's Morning Sessions

Part One: Overview: From Idea to Introduction

Part Two: Mentor Groups: Details, Details

Part Three: Caucus Groups: Hindsight is 20/20

Step One: Request the bill draft

Step Two: Articulate your idea

Step Three: Work with your drafter throughout the process

Step Four: Drop the bill “in the hopper”

Part One:

From Idea to Introduction

How to Submit Your Bill Draft Request

- ✓ Fill Out a Blue Sheet
- ✓ Send an E-mail
- ✓ Ask a Legislative Services Division Staffer

Bill Drafting Request

Montana Legislative Services Division
Room 110 — State Capitol
Helena MT 59620-1706
(406) 444-3064
FAX: (406) 444-3036
e-mail: teverts@mt.gov

For Legislative Services Division Use Only:
Date of Request _____
Requester _____
(Please Print)

Description of Request
(Please be specific)

Place request on HOLD

Authority to contact anyone felt necessary
YES NO

Contact Person(s):
Name(s) _____
Phone(s) _____

Requesting Legislator

Requesting Agency

Information to Include With Your Bill Draft Request:

- Any information you have
- Whether to work on the draft or put it on HOLD
- Best contact information
 - ✓ For you
 - ✓ For others you're working with
- Permission to talk with others?

Bill Draft Number **LC0001**

Bill Type - Number: 


Short Title: Feed bill to fund 68th legislative session and prepare for 2025

Primary Sponsor:

Bill Actions - Current Bill Progress: In Drafting Process

Bill Action Count: 1



Action - Most Recent First	Date	Votes Yes	Votes No	Committee / Audio 
(C) Draft Request Received	07/13/2022			

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Office of Budget and Program Planning by Legislative Council		
Drafter	Johnson	Julie	
By Request Of	Office of Budget and Program Planning		

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Appropriations (see also: State Finance)	Appropriation	Simple	APP
Legislature		Simple	LEG

Making a Bill Draft Request

What Happens Next?

Who Is Your Bill Drafter?

- ▶ Researcher
- ▶ Writer
- ▶ Impartial technician
- ▶ Subject matter expert

What the Drafter Will Want to Know

What is the problem you are addressing?

What is your solution?

Do you have examples of similar solutions?

Is there someone you want the drafter to work with?

THE BILL DRAFTER'S GOAL:

Translate your idea into clear,
concise wording
that can be understood by a
person who has no special
knowledge about the subject.

Getting
Your
Bill
Drafted

Your Bill Drafter's Strategy

1

Review and/or
use bills from
prior sessions

2

Pattern after
existing law

3

Examine laws in
other states,
model acts,
and uniform
laws

4

Consult experts
in the field

Your drafter will also consider issues like:

- Whether to amend existing law or create new law
- Potential conflicts with the state and federal Constitutions
- How the draft fits within the context of existing federal and state laws

Getting
Your
Bill
Drafted

What Does the Drafting Process Look Like?

- ▶ Your drafter may propose different options for your consideration
- ▶ If that happens, the drafter will wait for your response before finishing the draft



Montana Legislative Services Division
Office of the Executive Director

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

REQUESTER REVIEW OF INITIAL BILL DRAFT

DATE: September 30, 2022
TO: Education Interim Committee
FROM: Laura Sankey Keip

Enclosed is a draft of LC0353, which I believe implements your request. After you have reviewed the draft, please immediately return the attached instruction letter to me or call me at 406-444-4410 with your instructions.

In accordance with Legislative Council Rules of Procedure, if I have not received instructions from you by 5 p.m. on Friday, October 14, 2022, I will place the enclosed draft on hold or submit the draft for legal review by the Legislative Services Division.

After this draft has been submitted for legal review, you may request additional changes. However, after one redo, additional changes requested by you will result in the draft being moved to the bottom of my bill drafting priority list. An exception may be made for clerical errors only.

Drafter Note to Requester:

A small addition to the title in second clause to clarify that the bill addresses *district-owned* passenger vehicles.

What Does the
Drafting Process
Look Like?

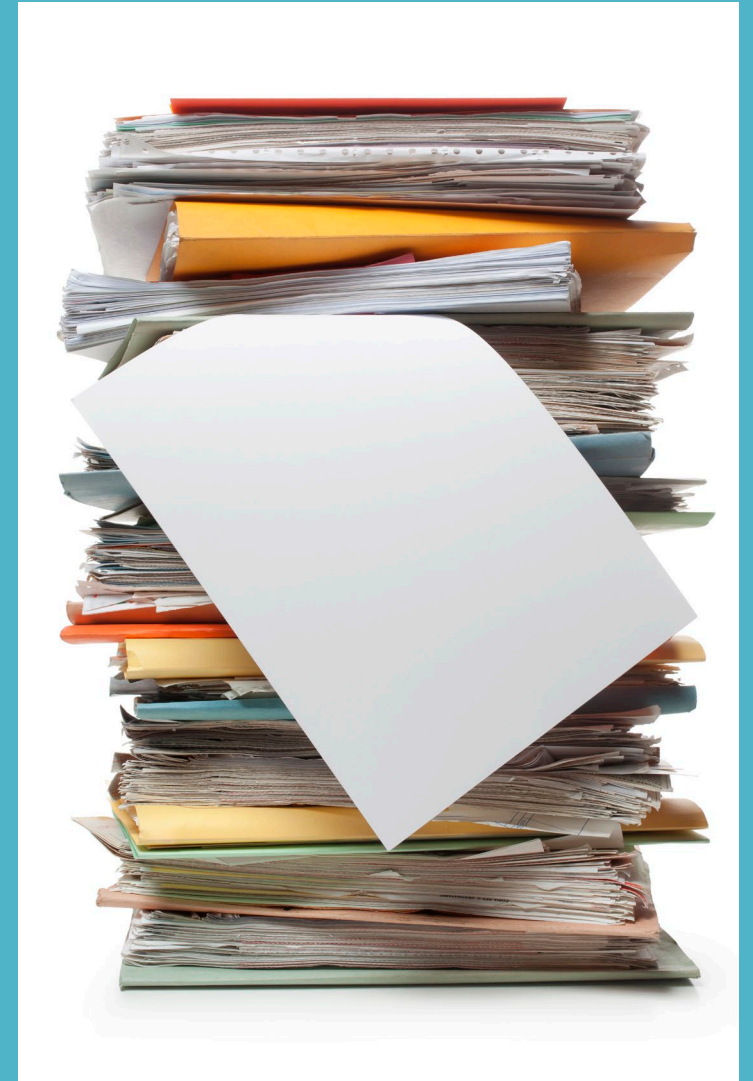
- Read your bill draft carefully!
- Make sure the bill draft fulfills your intent
- It's easier to make changes NOW rather than later

Ready to Proceed?
Reviewing and Approving Your Bill

Why is your draft so much longer than you expected?

- Amending existing statutes
- Fixing internal references

Getting Your Bill Drafted



Ready to Proceed?

Reviewing and Approving Your Bill

After you have:

- ✓ thoroughly reviewed your bill
- ✓ asked any questions you might have, and
- ✓ made sure you don't have additional changes

you need to respond to the instruction letter that came with the bill draft.

Ready to Proceed? Reviewing and Approving Your Bill

INSTRUCTION LETTER FOR PROCESSING LC0353 AFTER INITIAL REVIEW

Deadline for notifying drafter with your instructions: Friday, October 14, 2022

TO: Laura Sankey Keip

FROM: Education Interim Committee

I have received LC0353 for initial review, along with its cover letter dated September 30, 2022.

Here are my instructions for processing LC0353:

- PROCEED.** This draft is satisfactory as is. Please submit this draft for legal review by the Legislative Services Division now.
- PROCEED AFTER MAKING THE ENCLOSED CHANGES.** Enclosed are changes that will make the draft satisfactory. Please submit this draft for legal review by the Legislative Services Division after making these changes.
- MAKE THE ENCLOSED CHANGES—THEN RETURN TO ME.** Please return the draft (with changes made) to me for review.
- PUT ON HOLD. I NEED MORE TIME TO REVIEW THIS DRAFT.** I have no changes to make at this time, but I need more time to determine what, if any, additional changes need to be made.
- CANCEL THIS DRAFT REQUEST.**

Ready to
Proceed?

Reviewing
and
Approving
Your Bill

Once you are satisfied with your bill draft – LET YOUR DRAFTER KNOW!

If you don't respond, the drafter will:

- put the bill on hold OR
- send it through the process.

May result in need to re-draft the bill after it's been finalized.

What Happens Next?

- Legal review
- Editing
- Proofing
- Drafter review/approval of changes



The Legal Review Process

Every bill that is drafted and ok'd to proceed by the requestor goes through the legal review process as required by law

The Legal Review Process

The purpose is to identify potential constitutional conformity issues in a bill draft and bring those issues to the attention of the requestor and the Legislature

The Legal Review Process

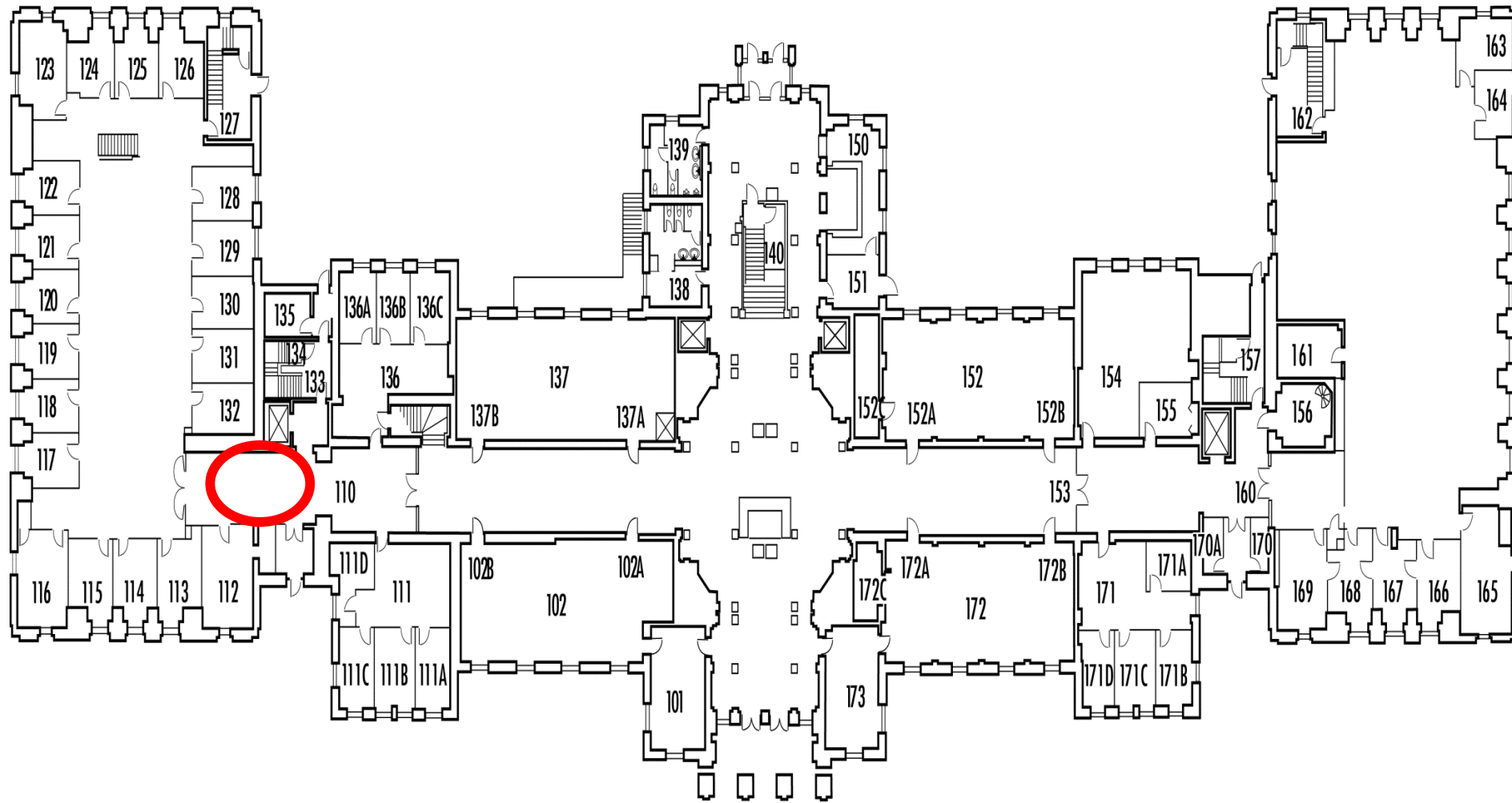
- ❑ If an issue is identified:
 - ▶ You will be notified by your drafter and have an opportunity to make changes to the bill draft to address the issue
 - ▶ If you decide to proceed with the bill as drafted, the Legal Director and subject matter attorney will draft a Legal Review Note (LRN) that will be included with the bill
 - ▶ You may provide a written response to the LRN. If you meet the 2-day deadline, your response will be incorporated into the LRN.

The Legal Review Process

- An LRN does NOT determine that a bill is unconstitutional. That is the purview of the Judicial Branch.
- An LRN does NOT mean that a bill won't pass.
- The lack of an LRN doesn't mean that a bill can't or won't get challenged in court.

Your Bill is Drafted,
Reviewed, and Edited
– Now What?

Introducing Your Bill:



1ST FLOOR EAST

1ST FLOOR WEST

Watch for a letter notifying you that your bill draft is ready for delivery and come to the reception desk on the first floor to pick it up.

Only YOU, the requestor, can pick up a bill draft -- you can't send someone in your place

Before introducing your bill, you can:

- ▶ ask other legislators to sign on as co-sponsors
- ▶ give it to another legislator to sponsor

How To Introduce Your Bill

INTRODUCTION DEADLINES

You can pick your bill up at any time

BUT

It must be introduced in time to meet various **transmittal deadlines**

AND

Once you pick the bill up – you have **2 legislative days** to introduce it!

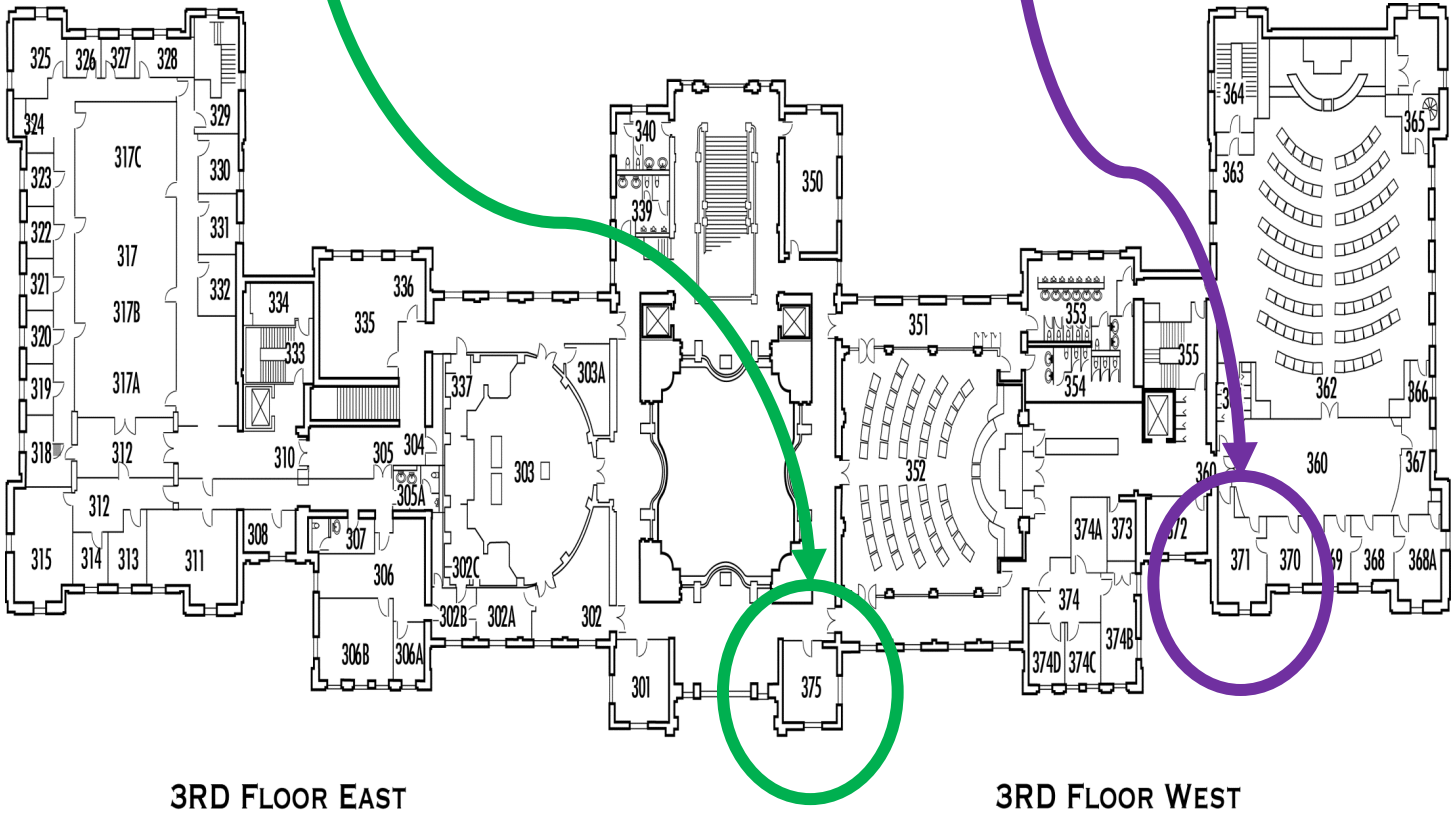
If you miss this deadline, your bill is cancelled – **no exceptions**

How To Introduce Your Bill

Drop the bill off with:

SENATORS:
to the
Secretary of
the Senate

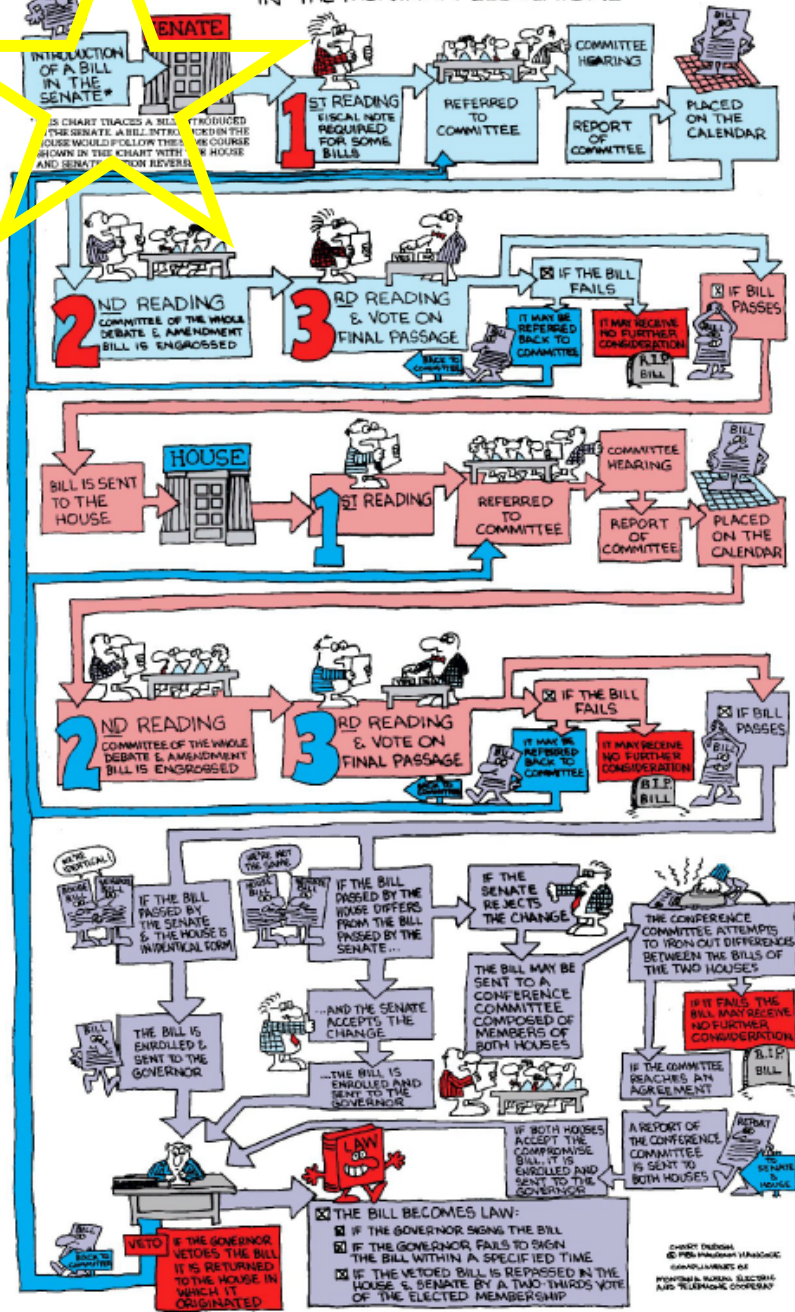
REPRESENTATIVES:
to the
Chief Clerk of
the House



How To Introduce Your Bill

PASSAGE OF A BILL

IN THE MONTANA LEGISLATURE



What happens after you drop your bill in the hopper?

Your bill receives an HB or SB number and starts its journey through the legislative process.

You'll learn more about the legislative process in this afternoon's session, Committees 101

How to Introduce Your Bill

Bill Draft
Records = Public
Records
(aka the junque file)

More training coming up this afternoon
(plus follow-up training next month)

Bill Draft Priorities, Request Limits, and Deadlines

1st **FIVE bill draft requests** for each legislator = top drafting priority

How many requests can you submit?

- ✦ Now until 5 pm on December 5:
UNLIMITED
- ✦ 5:01 pm on Dec. 5 and beyond:
SEVEN new requests

Only **TWO** of the seven requests may be submitted after noon on January 2 –
– when the session officially starts

Coming up in Part 2

More details on:

- ❑ *Requesting bills*
- ❑ *Rules on priority bill drafts*
- ❑ *Limits on bill draft requests*
- ❑ *What to look for in the drafts you receive for review*
- ❑ *The documents you'll receive and what to do with them*

BILL DRAFTING 101

Part One:
From Idea to
Introduction

QUESTIONS?

Toni Henneman: Researcher	toni.henneman@legmt.gov 406-444-3593
Sue O'Connell: Researcher	sue.oconnell@legmt.gov 406-444-3597
Laura Sankey Keip: Staff Attorney	laura.sankeykeip@legmt.gov 406-444-4410

BILL DRAFTING 101

Part One:
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