



from *idea* to *introduction*

A GUIDE FOR LEGISLATORS ON REQUESTING AND SPONSORING BILLS

The Montana Legislature is the branch of state government with the power and authority to enact laws, or “legislate”. **Only members of the Legislature or committees of the Legislature may request the drafting of bills.** These bills may create public policy or appropriate money, either by changing or repealing existing laws or by establishing new ones.



types of legislation

YOU MAY PROPOSE SEVERAL DIFFERENT TYPES OF LEGISLATION:

General bills amend, repeal, or establish new statutes that govern the state.

Appropriation bills give the state authority to spend money for a specific purpose. These bills must originate in the House of Representatives. A senator may request an appropriation bill but must ask a representative to sponsor and introduce the bill.

Revenue bills increase or decrease the amount of taxes or fees received by the government.

Constitutional amendments may be proposed through legislative referendum. They must be approved by two-thirds of the Legislature and referred to Montana voters for final action.

Referenda are bills that require a vote of the people before they become law.

Resolutions are written proposals used for making declarations, stating policies, and making decisions for various actions of the Legislature where no other form is prescribed (see Joint Rule 40-60).

an idea is born

To ensure that the bill you want drafted will accomplish your policy goals, give some thought to these questions before you submit your request to the Legislative Services Division:

- What is the problem you want to solve? Is it caused by existing law(s)?
- Who is affected by the problem?
- What result(s) do you want to achieve with your bill?
- What is your proposed solution to the problem?
- What action should the government take to solve the problem?
- Is it possible to achieve your proposed solution by changing existing statutes? Which ones?
- Is there a document or “draft bill” prepared by a citizen, agency, lobbyist, or other entity that could serve as a model or provide guidance for drafting your bill?
- Is there legislation from another state that could serve as a model?
- Will it cost money to implement your proposal? Where should the money come from?

a draft is requested

To request a bill draft, fill out a "Bill Drafting Request" form, available from the Legislative Services Division. There must be sufficient information for a subject area to be assigned.

You can request a bill by delivering the form in person, by faxing the form, or by submitting the form in an e-mail or by phone to the Legislative Services Division.

Each bill draft request is assigned to a staff attorney or research analyst based on experience and workload. The drafter is an impartial technician whose function is to translate your objectives and policy ideas into clear, concise, and unambiguous language.

a bill is drafted

The Legislative Services Division is responsible for drafting bills for legislators. When you request a bill draft, the request is assigned an "LC" or tracking number, such as LC0250. Staff of the Legislative Services Division ensure that bill drafts are in the proper format, style, and legal form.

After your bill is drafted, you may "sponsor" the bill by signing the final draft and submitting it to either the Chief Clerk of the House of Representatives or the Secretary of the Senate. This constitutes introduction of a bill, and it is then assigned a number, such as Senate Bill No. 12 (SB12) or House Bill No. 25 (HB25).

Often, the same legislator both requests and sponsors a bill. But you may allow another legislator to be the sponsor of your bill draft.

The sponsor is responsible for shepherding the bill through the legislative process.

a bill is introduced

After the preintroduction deadline, you must pick up your bill in person from the Legislative Services Division and must introduce it (or give it to another legislator to introduce) within 2 legislative days (see Joint Rule 40-50). Bills should be introduced as early as possible, and realistically no later than 10 days before the respective transmittal date.

Once your bill has been submitted for introduction to either the Chief Clerk of the House or the Secretary of the Senate, it is on its way! It will be assigned a bill number, read over the rostrum, and assigned to a committee. After the committee holds a hearing and takes executive action, it will go to the Committee of the Whole (the entire chamber) for votes on second and third reading. If successful, it will go to the other chamber for the same process.

prioritizing bill drafts

Staff of the Legislative Services Division are responsible for drafting all bills. They generally work on bill draft requests in the order they get them. Even when a bill has been drafted by an agency or a constituent, a drafter must process the bill to ensure that it complies with the Legislative Service Division's Bill Drafting Manual.

After you have requested five bill drafts, all of your additional requests will be given a lower priority than the first five requests of other legislators. This is important to understand (especially for holdover senators and unopposed candidates prior to election) if you request a bill for another legislator. Before you give away your own priority status, **remember that each bill draft you request will count toward your first five bills.**

You will also be responsible for picking up the completed bill and either introducing it or giving it to another legislator to sponsor and introduce. If you introduce the bill, you cannot change the sponsor. You may only add additional sponsors (see Joint Rule 40-40(2)).

Each of the leaders of the House and Senate may ask the Legislative Services Division to assign a higher priority to 10 bill draft requests.

Agency bill drafts may be requested by interim committees or by individual legislators. If you make a request on behalf of an agency, it will count against your total bill draft request limit.

If you have been working with others to craft a bill, please provide contact information for those individuals. If you have a rough draft or other specific information related to your bill request, include it with the request to expedite the drafter's understanding of your request. If your request is based on a bill from a past session, please include that information.

After you approve the final draft, you will be notified that your bill is ready. You may preintroduce your bill before the session convenes by signing an official form and returning it to the Legislative Services Division. Additional sponsors may also sign the preintroduction form, or you may add them later. The preintroduction deadline is set through rule (see Joint Rule 40-40).

bill draft deadlines

If you are a "holdover" senator, you may request bill drafts at any time (just be careful not to request more than you can shepherd through the process). Even if you request a bill draft early, bill drafting does not begin in earnest until the fall preceding a session. After candidate filing for the Legislature closes or after the primary election, you may begin to request bill drafts if you are running unopposed.

After the general election, but before 5 p.m. on December 5 preceding a regular session, all legislators (including holdover senators, unopposed legislators, and newly elected legislators) may request an unlimited number of bills or resolutions to be drafted (see Joint Rule 40-40).

After 5 p.m. on December 5, you may request no more than seven bill drafts, at least five of which must be requested before the session convenes (see Joint Rule 40-40).

After December 5, you may grant unused bill draft requests to other legislators. You may not transfer existing requests, but you may ask another legislator to sponsor and introduce your draft(s) (see Joint Rule 40-40).

These restrictions do not apply to bills proposed by the Code Commissioner in the Legislative Services Division, bills or resolutions requested by standing committees, or bills or resolutions requested on behalf of newly elected state officials