

HOUSE BILL NO. 236

INTRODUCED BY M. DUNWELL

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PLAIN LANGUAGE TO BE USED IN STATE GOVERNMENT COMMUNICATIONS; PROVIDING DEFINITIONS; PROVIDING A PLAIN LANGUAGE STANDARD; PROVIDING STATE AGENCY REQUIREMENTS; REQUIRING AN INITIAL IMPLEMENTATION PLAN AND BIENNIAL COMPLIANCE REPORTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Purpose.** The purpose of [sections 1 through 5] is to improve the effectiveness and accountability of state government to the public by promoting clear government communication using plain language that the public can understand and use.

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 5], the following definitions apply:

- (1) (a) "Covered document" means any document that:
  - (i) is necessary to obtain any state government benefit or service or to comply with a requirement, such as filing taxes or required reports;
  - (ii) provides information about any state government benefit or services; or
  - (iii) explains to the public how to comply with a requirement the state government administers or enforces.
- (b) The term includes any regulation, rule, letter, publication, form, notice, or instruction in paper or electronic form.
- (2) "Plain language" means language that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and the intended audience;
- (3) "State agency" has the same meaning as provided in 2-2-102.

NEW SECTION. **Section 3. Plain language required -- standard.** (1) Each state agency shall prepare its covered documents and oral communications in plain language.



1 (2) A state agency's covered document or oral communication meets the standard for plain language  
2 if the covered document or oral communication, whenever possible:

- 3 (a) uses everyday words that convey meanings clearly and directly so the document or communication
- 4 is easy to understand;
- 5 (b) uses the present tense and active voice;
- 6 (c) uses short, simple sentences;
- 7 (d) defines only those words that cannot be properly explained or qualified in the text;
- 8 (e) uses type of reasonable size; and
- 9 (f) uses layout and spacing that separate the paragraphs and sections of the document from each other.

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11 **NEW SECTION. Section 4. State agency requirements.** (1) To implement the provisions of [sections  
12 1 through 5], each state agency head shall:

- 13 (a) designate an employee to be the contact person who is authorized to oversee and ensure the
- 14 implementation of [sections 1 through 5]. This contact person shall receive and respond to public input on:
- 15 (i) the agency's implementation of the plain language requirements; and
- 16 (ii) the compliance report required under [section 5].
- 17 (b) communicate the requirements of [sections 1 through 5] to the employees of the agency;
- 18 (c) train employees of the agency in writing and communicating in plain language; and
- 19 (d) establish a process to ensure the ongoing compliance of the agency with the requirements of
- 20 [sections 1 through 5].

21 (2) The agency must include a section on the agency website homepage that:

- 22 (a) informs the public of the agency's compliance with the plain language requirements of [sections 1
- 23 through 5]; and
- 24 (b) provides a mechanism for the agency to receive and respond to public input on the agency's
- 25 implementation of the plain language requirements.

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27 **NEW SECTION. Section 5. Implementation plan -- reporting requirements.** (1) By June 30, 2016,  
28 the head of each agency shall publish an initial 2-year plan that describes the steps the agency will take to  
29 implement the requirements of [sections 1 through 5]. The initial plan must ensure that all newly-created covered  
30 documents comply with [sections 1 through 5] and demonstrate that existing covered documents that are

1 currently in use will be updated to comply with this act by June 30, 2018.

2 (2) The initial plan must be posted to the plain language section on the agency's website required under  
3 [section 4].

4 (3) The head of each agency shall prepare a biennial report to the legislature as provided in 5-11-210  
5 regarding the agency's compliance with [sections 1 through 5]. The biennial report must include:

6 (a) a summary of activities the agency has performed and the resources that were required to implement  
7 the requirements of [sections 1 through 5];

8 (b) a summary of the plain language training provided to employees;

9 (c) an explanation of any measured impacts resulting from implementation and compliance with the plain  
10 language requirements; and

11 (d) any recommendation the agency has for further legislation regarding the plain language standards.

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13 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified  
14 as an integral part of Title 2, chapter 6, and the provisions of Title 2, chapter 6, apply to [sections 1 through 5].

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16 **NEW SECTION. Section 7. Effective date.** [This act] is effective on passage and approval.

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