



## Agency Bill Drafting Workshop Handouts

September 16, 2022  
1:00 p.m. to 3:30 p.m  
Room 102, State Capitol Building and Zoom

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## Agency Bill Drafting Workshop Agenda

September 16, 2022

1:00 p.m. to 3:30 p.m

Room 102, State Capitol Building and Zoom

- |           |   |
|-----------|---|
| 1:00 p.m. | Introductions   |
| 1:10 p.m. | The Art & Science of Bill Drafting <ul style="list-style-type: none"><li>* Overview of the art &amp; science of bill drafting</li><li>* Constitutional &amp; legal considerations</li><li>* Overview of the legal review note process</li><li>* Bill drafting &amp; technical rules</li><li>* The anatomy of a bill</li><li>* Drafting aids &amp; tools of the trade and the <a href="#">2022 Bill Drafting Manual</a></li><li>* Bill drafting macros</li></ul> |
| 2:30 p.m. | BREAK   |
| 2:40 p.m. | Searching the Montana Code Annotated on Folio   |
| 2:55 p.m. | Legislative Branch Website <a href="#">LAWS System</a> Abbreviated Tutorial <ul style="list-style-type: none"><li>* <a href="#">2021 Bill Summary</a></li><li>* <a href="#">2019 Bill Summary</a></li><li>* <a href="#">5-Session Bill Summaries</a></li></ul>  |
| 3:10 p.m. | Agency Bill Drafting Deadlines <ul style="list-style-type: none"><li>* <a href="#">Joint Rules of the Senate and House of Representative</a> (see JR 40-40(5) regarding preintroduction for agency bills)</li></ul>   |
| 3:15 p.m. | Wrap-Up - Questions   |
| 3:30 p.m. | Adios - Evaluations for the Workshop  |

Please Contact Jaret Coles at least one day prior to the meeting if you desire the Zoom link:  
[jaret.coles@legmt.gov](mailto:jaret.coles@legmt.gov)

Montana Commission of Continuing Legal Education  
P.O. Box 577 • Helena, MT 59624 • (406) 442-7660

September 06, 2022

MT Legislative Services Division  
Todd Everts  
PO Box 201706  
Helena, MT 59620

Subject: MT CLE Course Approval Notice

Dear Provider,

This letter will serve as official notice that the following program has been approved by the Montana Commission of Continuing Legal Education.

State of Montana Agency Bill Drafting Class	09/16/2022	Helena, MT	Maximum: 2.25 = 2.25G
Course Title	Date	Location	Credits Approved

Instructions for Lawyers Seeking CLE Credit:

Attendees should submit a copy of the enclosed Montana Credit Request Form and a copy of the provider's attendance certificate (if available).

If you have any questions or if we can be of further assistance, please contact our office at [cle@montanabar.org](mailto:cle@montanabar.org).

Montana Commission of Continuing Legal Education

Enclosure

# Montana Commission of Continuing Legal Education

P.O. Box 577 • Helena, MT 59624 • (406) 442-7660

## Credit Request Form

This form is provided to you for your own records. The program sponsor has agreed to report your attendance at this CLE activity. However, if this program does not appear on your web transcript within 30 days, please scan this form and send it to [cle@montanabar.org](mailto:cle@montanabar.org)

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### SECTION A: Course Information

Provider: **420** MT Legislative Services Division

Course: **41939** State of Montana Agency Bill Drafting Class (76884)

Date: 09/16/2022 00:00 Location: Helena, MT

Total CLE Credit Hours: Maximum: 2.25 = 2.25G

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### SECTION B: Lawyer Information

Lawyer Name \_\_\_\_\_ MT Lawyer ID \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

By signing below, I certify that I attended the activity described above and am entitled to claim:

\_\_\_\_ General \_\_\_\_ Total CLE Credit Hours.

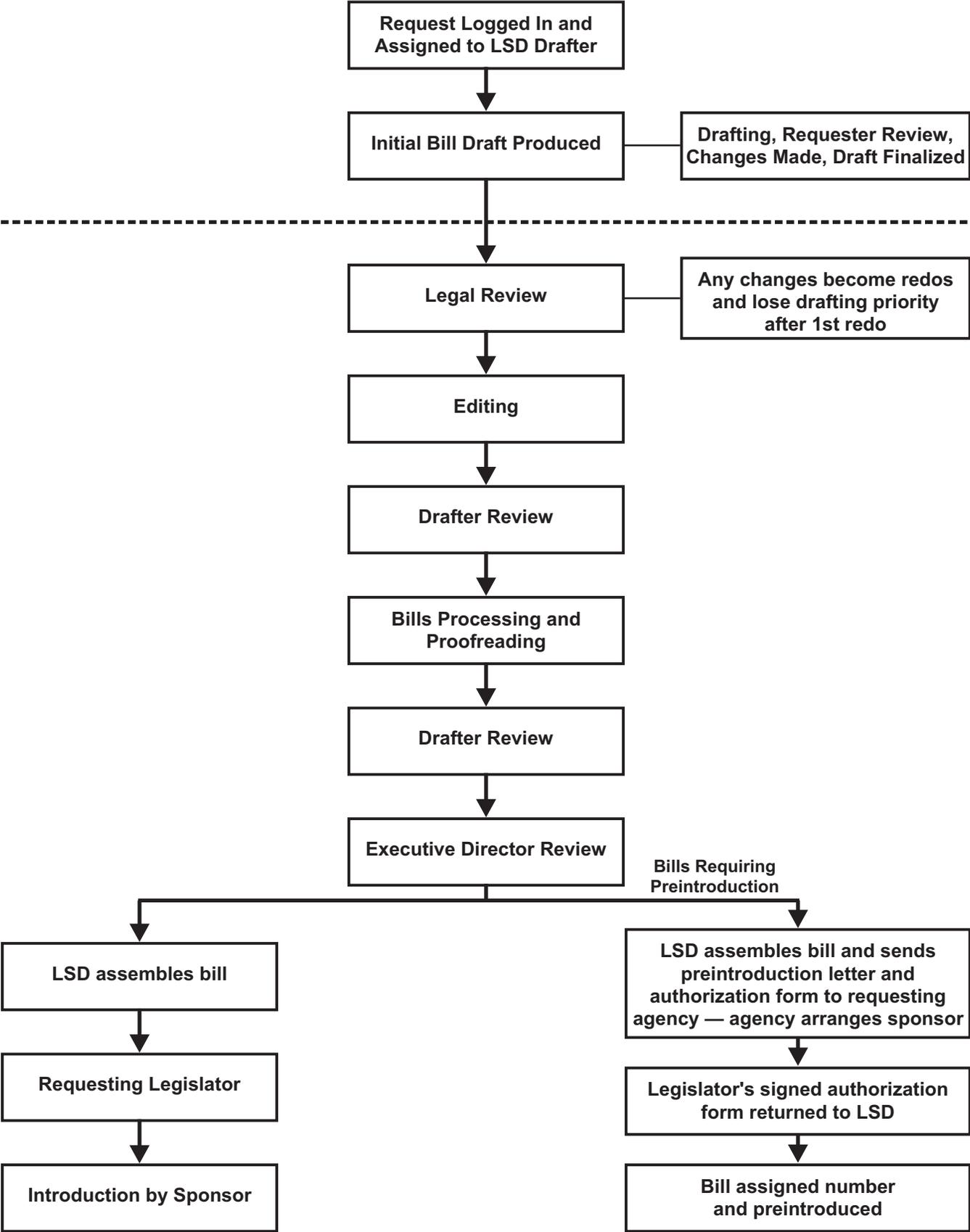
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Legislative Services Division Bill Drafting Instructor Contact Sheet

Todd Everts	Chief Legal Counsel	444-4023	todd.everts@legmt.gov
Jaret Coles	Legislative Attorney	444-4022	jaret.coles@legmt.gov
Susan Murray	Business Analyst	444-1383	susan.murray@legmt.gov

# Legislative Services Division Bill Drafting Process



AGENCY BILLS must be preintroduced by 5 p.m., Agency Drafting 6

## LEGAL REVIEW NOTE

**Bill No.:** HB 445

**LC#:** LC0388, To Legal Review Copy, as of  
January 29, 2019

**Short Title:** Generally revise medical marijuana  
laws

**Attorney Reviewer:** Todd Everts

**Date:** February 5, 2019

### CONFORMITY WITH STATE AND FEDERAL CONSTITUTIONS

*As required pursuant to section 5-11-112(1)(c), MCA, it is the Legislative Services Division's statutory responsibility to conduct "legal review of draft bills". The comments noted below regarding conformity with state and federal constitutions are provided to assist the Legislature in making its own determination as to the constitutionality of the bill. The comments are based on an analysis of jurisdictionally relevant state and federal constitutional law as applied to the bill. The comments are not written for the purpose of influencing whether the bill should become law but are written to provide information relevant to the Legislature's consideration of this bill. The comments are not a formal legal opinion and are not a substitute for the judgment of the judiciary, which has the authority to determine the constitutionality of a law in the context of a specific case.*

*This review is intended to inform the bill draft requestor of potential constitutional conformity issues that may be raised by the bill as drafted. This review **IS NOT** dispositive of the issue of constitutional conformity and the general rule as repeatedly stated by the Montana Supreme Court is that an enactment of the Legislature is presumed to be constitutional unless it is proven beyond a reasonable doubt that the enactment is unconstitutional. See Alexander v. Bozeman Motors, Inc., 356 Mont. 439, 234 P.3d 880 (2010); Eklund v. Wheatland County, 351 Mont. 370, 212 P.3d 297 (2009); St. v. Pyette, 337 Mont. 265, 159 P.3d 232 (2007); and Elliott v. Dept. of Revenue, 334 Mont. 195, 146 P.3d 741 (2006).*

#### Legal Reviewer Comments:

The 2011 Legislature enacted the "Montana Marijuana Act" (section 50-46-301, MCA, *et seq.*). The Montana Marijuana Act created a framework enabling people with a qualifying medical condition to obtain and possess marijuana for medicinal purposes without threat of prosecution under Montana state law. On November 8, 2016, Montana voters passed Initiative No. 182, renaming the "Montana Marijuana Act" to the "Montana Medical Marijuana Act" and generally revising the medical marijuana laws.

The Montana Medical Marijuana Act may raise potential federal constitutional issues related to the Supremacy Clause under the United States Constitution, Art. VI, cl. 2, that provides that federal law is the "supreme law of the land". The United States Supreme Court has ruled that the federal Controlled Substances Act, 21 U.S.C. 801, *et seq.*, prohibits the manufacture, distribution, dispensation, and possession of marijuana even when state law authorizes its use to treat medical conditions. *Gonzales v. Raich*, 545 U.S. 1, 29, 125 S.Ct. 2195 (2005). Specifically, the Court in *Raich* held that under the Supremacy Clause, the federal statute superseded California's Compassionate Use Act authorizing the limited possession and cultivation of marijuana for medicinal purposes. (at 33-17, *Raich*). Similar to California's medical marijuana laws, the Montana Medical Marijuana Act's authorization of use and possession of marijuana for medicinal purposes may conflict with federal law.

LC0388, as drafted, revises the Montana Medical Marijuana Act to provide protections to people registered to use marijuana for debilitating medical conditions. The Montana Medical Marijuana Act as well as the revisions to the Act contained in LC0388 may potentially conflict with federal law and, by extension, may raise potential constitutional conformity issues pursuant to the United States Supreme Court holding in *Raich*.

**Requester Comments:**

Appendix Q  
Bill Drafter Checklist

**Note: Each question on the checklist calls for a "yes", "no", or "N/A" response. Section number references are to the Bill Drafting Manual.**

- 1 - Conformity with state and federal Constitutions considered (section 1-2)? Make note of comments below. \_\_\_\_\_
- 2 - Existing Montana statutes reviewed to avoid conflicts, duplication, or confusion (section 1-4)? \_\_\_\_\_
- 3 - Internal references checked (section 1-8)? \_\_\_\_\_
- 4 - Title contains one subject clearly expressed (section 4-4)? \_\_\_\_\_
- 5 - Code placement and applicability considered: codification instruction included in draft or message to codifier attached (section 4-19)? \_\_\_\_\_
- 6 - Fiscal note may be required/probable (section 6-1)? \_\_\_\_\_
- 7 - Local government unfunded mandate not superseded by 1-2-112 through 1-2-116 (section 6-2)? \_\_\_\_\_
- 8 - Fiscal impact requiring July 1 effective date (sections 4-26, 6-1)? \_\_\_\_\_
- 9 - Appropriations (section 6-1)? \_\_\_\_\_
- 10 - Revenue (section 6-1)? \_\_\_\_\_
- 11 - If state agency bill or committee bill, is "By Request" line included (section 4-3(4))? \_\_\_\_\_
- 12 - Note attached indicating source of draft (e.g., model act, other state statute, etc.) (section 1-7)? \_\_\_\_\_
- 13 - Tribal notification required (section 1-3)? \_\_\_\_\_
- 14 - Short bill title revised to reflect draft (section 4-4(11))? \_\_\_\_\_
- 15 - Changed/added bill subjects (including fiscal note, revenue, local government impact, constitutional amendment)? \_\_\_\_\_
- 16 - Grants or extends rulemaking authority (section 6-3)? \_\_\_\_\_

## **CHECKING INTERNAL REFERENCES**

When **REPEALING** a section -- you MUST strike any reference to that section from the MCA by amending each section where that code section number appears.

When **REOUTLINING** a section -- if you change 15-1-501 by inserting a new subsection (3), thus causing the old (3) to become (4), etc., you MUST check each reference to 15-1-501 to see if there is a reference to (3) that should now be (4) and amend each of those occurrences.

You must **INDICATE ON YOUR DRAFT** that you have checked all internal references. Type an "x" (for checked) next to each number within the curly braces. You can also type "a" (for amended in the bill) or "r" (for repealed) if that helps you keep track of how you dealt with each internal reference.

Don't forget to **CHECK ALL OF THE ABOVE IN ANY SET OF AMENDMENTS** that repeals or "unrepeals" a code section.

Don't forget to **CHECK FOR BRACKETED INTERNAL REFERENCES** within a bill. If you add another new section to a bill "[sections 1 through 10]" will now be changed to "[sections 1 through 11]". An amendment MUST be written to change 10 to 11 in each place where that number occurs. Search the bill electronically for "[" to find them.

If you **"UNREPEAL" A SECTION BY AMENDMENT**, you MUST strike the number from the repealer section and in the title and you MUST reinsert references to that section that may have been stricken out of the bill. If the only reason that a section was in the bill was to delete a reference to a repealed section (and it is now unrepealed), you must strike the section from the bill in its entirety (and strike the section number from the title). Each section must contain a substantive amendment.

If you **CHANGE A CONCEPT, TERM, OR PHRASE**, you should check the internal references. If a "portfolio registration fee" is changed to a "portfolio notice filing fee", make sure the term is changed in all places where it appears. You will find that phrase by searching section text, but it is important to look at other sections of law that are listed in the curly braces to see if the text around the section number is still accurate. For example, 30-10-115 may not have been reoutlined (so internal references to subsection numbers in other sections would be unaffected) and the section may still deal with deposits to the general fund, but if the language no longer accurately reflects the law contained in 30-10-115, it must be changed to do so.

If you strike language in a section, **CONSIDER CAREFULLY IF THAT LANGUAGE CONTAINS A DEFINED TERM**. Search on Folio to make sure that the term is still used elsewhere (in the Title, chapter, or part). We have a number of defined terms in the MCA that are not used because this has happened over the years.

## **DEALING WITH DEFINED TERMS**

Do not define a term unless you **USE IT** (and it must be used **CONSISTENTLY**). The defined term must be used in the Title, chapter, or part to which the definitions apply.

Do not define a term when it is used in the sense of its ordinary dictionary meaning.

If you **CHANGE A DEFINED TERM** (even slightly), you must search for it on Folio and change it in every instance where it occurs in the Title, chapter, or part to which the definitions apply.

Do not strike a defined term unless you remove it or amend it everywhere it appears (this applies to amendments too!) If the definition of "board" is stricken, then all references to "board" in that Title, chapter, or part are rendered ambiguous.

Defined terms are **ALWAYS IN ALPHABETICAL ORDER**. If you change "art" to "painting", but the words explaining the meaning of the term remain the same, you must strike the entire definition of "art" where it appears and add (underline) the same language with the term "painting" in the correct alphabetical location on the list of defined terms.

## BILL TITLES

See section 4-4 of the Bill Drafting Manual for detailed information about bill titles.

The title identifies the bill to the legislators and the public and must clearly summarize the contents of the bill.

The inclusion of excessive detail in a title often obscures the primary purpose of the bill and may also compound the opportunity for error. If a title is too lengthy, it becomes more difficult for the amendment drafter to find provisions that correspond to language being changed or removed from the bill by amendment.

- Bill titles should be written after the bill is drafted.
- Bills should be drafted so that all title provisions are in the "ING" form.  
"AN ACT **ALLOWING** A DISTRICT COURT . . . ."  
"AN ACT GENERALLY **REVISING** . . . ."  
"AN ACT **CREATING** THE CLEAN AIR ACT OF MONTANA; . . . ." (name of act not in quotes)
- It is not necessary to include "PROVIDING DEFINITIONS" in the title, but if a definition is a significant provision in the bill, use:  
DEFINING "CASINO"  
AMENDING THE DEFINITION OF "CASINO"
- An appropriation must be reflected in the title. A statutory appropriation (17-7-502) must be designated as such.
- "CREATING A STATE DEBT", "PROVIDING AN APPROPRIATION", "PROVIDING A STATUTORY APPROPRIATION", "SUPERSEDING THE UNFUNDED MANDATE LAWS", "LIMITING GOVERNMENTAL LIABILITY", and "PROVIDING RULEMAKING AUTHORITY" must be included in the title if relevant.
- ALL amended and repealed section numbers from the bill are listed individually in numerical order in the title (do not use "through"). See section 4-4(5) of the Bill Drafting Manual.
- If there are several "housekeeping" provisions in the title, they are in the order listed in section 4-2 of the Bill Drafting Manual.
- If the effective date in the bill is after October 1, the title should read "and providing a delayed effective date".
- "AND" always precedes the last provision.

# TECHNICAL TIPS FOR BILL DRAFTERS

For the beginning drafter, a good knowledge of the first four chapters of the Bill Drafting Manual is very important. If you will be preparing amendments, study Chapter 8 of the manual, especially section 8-2.

Information in this document is also found in the Bill Drafting Manual. The applicable section of the manual is listed for reference.

## **Amending Definition Sections** (4-9)

The terms listed in a definition section appear in alphabetical order. A defined term must be used consistently in the bill draft. Do not define a term if it is never used. A term may not be used to define itself. If a term is being changed in a manner that will cause it to appear out of alphabetical order (e.g., "hospital" changed to "state hospital"), the entire subsection must be stricken and the new term with its entire subsection must be added at the appropriate alphabetical location.

## **Codification -- Assignment of Section Numbers** (4-19)

When a bill containing new sections of substantive law is passed and approved, the Legislative Services Division codifier, as a member of the Code Commissioner's staff, determines an appropriate location for the sections, taking into consideration the codification instructions in the bill, and assigns the section numbers for the new law.

Once a section number has been used, it cannot be used again. If 2-2-131 is repealed, a future law may not be assigned that number.

A code section may be renumbered, through a direction to the Code Commissioner contained in a bill or by the Code Commissioner with no specific direction, and moved to a location where there is an available, unused section number. When renumbering is done in a bill, the renumbering direction references only the title, chapter, or part for the new location and does not assign specific section numbers.

## **Use of "This Act"** (2-18)

Use of the words "this act" should be avoided except in noncodified sections, such as effective date and applicability sections. The use of "this act" often creates a problem because the word "act" must be changed to an appropriate term, such as "title", "chapter", "part", or "section". References to "this act" may be avoided by substituting references to specific bill sections that will be codified (e.g., "[sections 1 through 24]" when sections 25 and 26 are a repealer and an effective date).

It is particularly important to avoid use of "this act" if a bill contains an amendment to existing MCA sections because technically the act includes only the deletions and/or additions to the amended MCA sections and not the remainder of those sections. Therefore, use of "this act" could cause confusion concerning its specific reference and present difficulties in changing "this act" to an MCA reference during codification. In such cases, specific references (whether to the MCA sections being amended, other MCA sections, parts, or chapters, new bill sections, or any appropriate combination thereof) must be substituted for "this act". For the same reason, when referring to an MCA section that is being amended, reference must be made to the MCA section number, not the bill section number; to refer to the bill section is to refer only to the amendment, which creates ambiguity and difficulty in codification.

# THE PARTS OF A BILL

## LC Number

The number appearing in the top right-hand corner of a bill, such as "LC0001.01", is the number assigned by the Legislative Services Division staff and is referred to as the "LC number". When the bill is introduced, it is given a House bill or Senate bill number in the "\_\_\_\_ Bill No. \_\_\_\_" space. Each new version of the bill shows a new number following the decimal point; i.e., HB0001.01, HB0001.02, etc.

## Sponsor Line

Introduced by \_\_\_\_\_. The sponsor line lists the name of the chief sponsor and may list additional sponsors.

## By Request Line

By request of \_\_\_\_\_. A bill may be requested by a state agency, a standing or interim committee or subcommittee, or the Governor--**NOT** by a private entity (even though such an organization may have requested that the bill be drafted).

## Title

The title includes a summary of the major provisions of the bill, lists of sections being amended or repealed, and other provisions such as effective, applicability, and termination dates.

## Preamble

A preamble is optional and is rarely included in legislation. It is a preliminary statement of the reasons for the enactment of the law and begins with the word "WHEREAS". Because of its placement **prior** to the enacting clause, it does **not** become law.

## Enacting Clause

The enacting clause, "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA", must appear before the first section of a bill.

## Catchline

The catchline is a brief caption clearly identifying the topic of a section. The catchline is not part of the law, but it is amended or added during the drafting process. If a catchline is inaccurate when the law is enacted, the Code Commissioner's staff will correct it at codification.

## Amended Sections

These are MCA sections that are being amended. Language to be deleted is shown as stricken, and added language is underlined. Quotes must appear at the beginning and end of these sections.

## New Sections

New sections in the bill that contain substantive provisions will most likely become part of the MCA if the bill is passed and approved. They do not show striking and adding. However, if they are amended during the legislative process, they will show added language (all caps and underlined) or stricken language.

## Repealer Sections

Each MCA section being repealed is listed separately in the repealer section. If a section of Session Law is being repealed (such as a termination date, which does not have an MCA section number because it is not codified), a separate repealer section is included in the bill for that purpose.

## Housekeeping Sections

Housekeeping sections are noncodified sections found at the end of a bill. Section 4-2 of the Bill Drafting Manual lists codified and noncodified sections. (Also see Appendix P of the Bill Drafting Manual.)

# BILL DRAFTING MACROS

The following macros are made available electronically to assist the bill drafter. When these macros are used, the word {standard} appears after the catchline for some of the sections. The drafter should not remove any language contained in curly braces. The drafter should ensure that the cursor is at the correct location in the bill before running a macro. Please refer to the 2022 Bill Drafting Manual for more detailed information on the various sections in a bill.

## **Amend MCA**

Used to retrieve an MCA section. The macro waits to accept a series of MCA sections if the drafter wishes to retrieve more than one section in a row. MCA sections are required to appear in numerical order in the bill. This macro:

- retrieves the section text with the necessary amendatory wording at the beginning;
- inserts automatic section numbering (to number the sections in the bill);
- tags the section for inclusion in the title when running the title macro;
- inserts opening and closing quotation marks; and
- attaches an internal reference report in curly braces at the bottom of the section so that the drafter can check the accuracy of references to the section after it is amended in the bill.

## **New Section**

Used to create a new section of law. The macro places the cursor within the boldface at the location where the drafter is required to type the catchline for the new section. The drafter is required to turn off the boldface font before typing the section text.

## **Ballot Issue**

Inserts a standard section for submission to electorate in order to put an issue on the statewide ballot. The drafter must complete the FOR and AGAINST ballot language when using this macro.

## **Saving Clause**

Inserts a standard saving clause.

## **Severability Clause**

Inserts a standard severability clause.

**Codification Instr.**

Creates a codification instruction to identify where new sections of law are to be codified in the MCA. The drafter is required to type in the Title, the Title and chapter, or the Title, chapter, and part where the new law should appear.

**Termination**

Inserts a termination section and inserts the necessary phrase in the title. The macro leaves a blank where the drafter is required to type in the termination date. Keep in mind that the use of a termination or contingency date in a bill is discouraged because of the complexity of maintaining multiple versions of the sections in the MCA.

**Retro. Appl'ty**

Inserts the standard language and also inserts a phrase in the title. The macro leaves a blank where the drafter is required to type in a phrase explaining the retroactivity; i.e., "[This act] applies retroactively, within the meaning of 1-2-109, to subdivisions approved on or after January 1, 2015."

**Effective Date****Effective Dates**

Each inserts the standard language and leaves a blank where the drafter is required to type in the effective date or dates. The macro also inserts a phrase in the title.

**Immediate Effective Date**

Makes the bill effective on passage and approval and does not require the drafter to type in a date. It also inserts a phrase in the title.

**Repealer**

Inserts the standard repealer language. The macro automatically lists internal references. Any MCA section that contains a reference to a section that is being repealed MUST be amended in the bill to remove that reference.

**MCA in Title**

Run this macro after all other work has been completed on the bill. It lists each MCA section being amended in the bill (through use of the tag that is inserted using the Amend MCA macro). If the bill is changed after this macro is run, the drafter may block and delete the list of amended sections in the title and rerun the macro. If there is only one MCA section being amended, the drafter will need to amend the language to make it singular.

# Bill Drafting Template User Guide

## Word 2013/2016

### Montana Legislative Services Division

*Revised August 2022  
for  
2023 Legislative Session*

## Introduction

The Bill Drafting template for *Word 2013/2016* is a tool to aid in drafting bills for the Montana Legislature. The template provides boilerplate language and standard section format to eliminate some of the clerical problems associated with bill drafting, but a template is not a substitute for the substantive knowledge needed to correctly draft bills. An understanding of the *Bill Drafting Manual*, published by the Legislative Services Division, is a requirement for bill drafting.

Contact:  
ITSD Service Desk  
servicedesk@mt.gov  
406.444.2000

## General Operation

**Template:** A *Word* template is a collection of stored words, beginning formats, tool bar customization, and macros that when invoked at the start of a document controls the preparation of that document.

The template gets the MCA sections from the Legislative Services' website, so an Internet connection is necessary to use it.

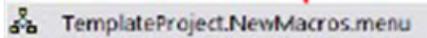
The template must be installed -- see [Installation instructions](#) at the end of this document.

The bill drafting template opens up with standard language and typeface, has headers and footers for a draft bill, puts the Strikethrough icon on the toolbar, and adds a Menu icon to the tool bar. The template has a series of macros that are available only for documents opened with the template.

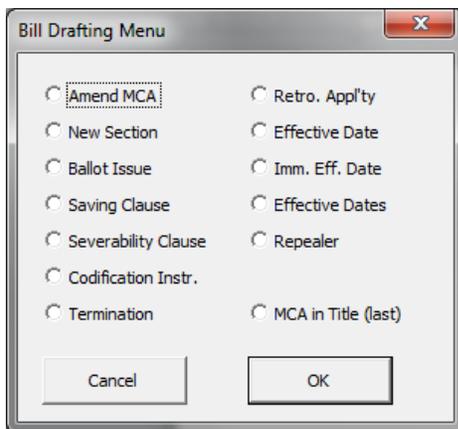
**Macro Language:** Use the macros whenever they can be used. Take the time to learn them now, and they will save immense amounts of time later. Time saving is only a part of the reason for the macros. They ensure accuracy, and they are also an important part of the Legislative Services Division's bill drafting system. The macros provide certain coding to a bill draft that is used in producing the bill for introduction.

Don't change the material inserted by a macro and don't edit a bill in the interests of esthetics or personal preferences -- required page ends, multiple tabs, and other codes inserted to make the draft look good must be removed by our office. Nice formatting in drafting wastes time because the introduced bill will appear differently. The "{}" codes in drafts are used to surround material that is deleted before a bill is printed for introduction. If you delete the ending "}", all the material following until the next ending "}" is deleted -- that's usually a section.

**Begin Drafting:** Start drafting a bill by clicking the Menu icon you installed. To manually start the macro use the Menu icon you added to the Quick Access Tool bar in the Installation instructions at the end of this document. [Installation instructions](#) If you did not install a shortcut click the Developer tab, then Macros and manually run the menu macro referenced in the Installation Instructions linked above



(Note that an appropriate **Amend MCA** code *must be entered before the MCA in Title (last)* option can be used).



For Support Contact:  
ITSD Service Desk  
servicedesk@mt.gov  
406.444.2000

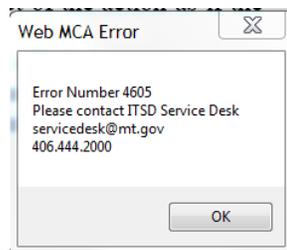
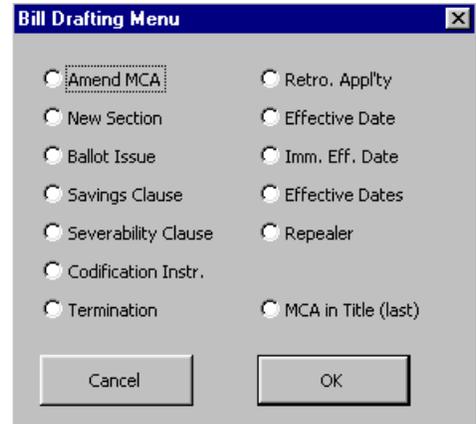
**Macro General Operations:** To insert any standard bill drafting section, place the cursor where the section goes, click the Menu icon (with the scales of justice), and then choose the appropriate menu item. For straight boilerplate (severability clause, immediate effective date, etc.), the macro will insert the section into the bill without further input. For some sections, you must provide information. The codification instruction macro pops up a form asking which sections are to be codified and in what Title, chapter, and part. Other macros complete the basic section, but you must go into the section and provide missing language. The effective date sections do not insert dates; you must go into the section and provide the dates. Some macros amend the title while inserting a section. The repealer and date sections (immediate effective date, termination, etc.)

amend the title as the macro runs. The title changes are made at the end of the title, so insert these sections in the order that you want them to appear in the title. Last but not least, the title macro sweeps through the bill and adds a clause to the title indicating which MCA sections have been amended in the bill. Generally, the title is written last so you can accurately reflect the subject of the bill, and the title macro is the last of the title to be finished.

## Individual Macros

**Menu:** The basic menu, chosen from the Menu icon on the toolbar. Have the cursor in place before using the macro because the chosen section appears at the cursor insertion point. If you don't want it where it appears, use Undo (blue left curving arrow) and try again.

**Amend MCA:** The "all-in-one" macro. Use to retrieve an MCA section. Have the cursor at the left margin where you want the section. It retrieves the section, with the necessary amendatory wording at the beginning, automatic paragraph number, section number tagged for the title macro, opening and closing quotes, and an internal reference report. The macro waits to accept a series of MCA sections if you wish. After the first section, it gives the last section number retrieved, which helps when entering a long series of sections. Check each section in the internal reference report and use *Word* to put an "x" by each cite checked. Don't mark a printout of the bill with a pen or pencil because the mark is lost at the bill's next printing and doesn't travel with the electronic version.



**Note:** If you receive an error #4605 this is caused by a setting in Microsoft Word. Please contact your Help personnel if needed to change this setting. In Microsoft Word, a blank document, click File and Options. Verify the checkbox Open e-mail attachments and other uneditable files in reading view. Having this checked breaks the macro.

**New Section:** At the cursor, inserts

NEW SECTION. **Section 1.**   

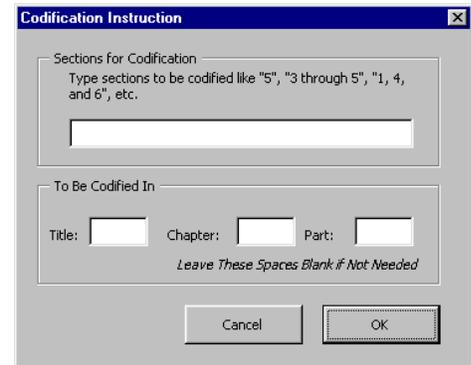
The cursor is within bold codes for writing the catch line. Click off bold when starting the section text. The section number is automatic and adjusts if sections are inserted before it.

**Ballot Issue:** At the cursor, inserts a standard section for putting a statewide issue on the general election ballot in November 2010. You must complete the For and Against Ballot Language.

**Saving Clause:**

**Severability Clause:** At the cursor, inserts either a standard saving clause or severability clause. No drafter intervention is required. There isn't an "nonseverability clause" macro.

**Codification Instr:** Creates a codification instruction at the point you put the cursor. Enter the section numbers from the bill that are appropriate. Use a phrase like the examples, but don't set them in quotes. The Title number is required -- enter chapter and part numbers if appropriate.



**Termination:** Inserts a termination section at the cursor and inserts the necessary phrase in the title. It stops for you to fill in the termination date. Avoid use of Termination, Contingent Effective Date, and Contingency clauses because of the complexity of maintaining multiple versions of these types of sections.

**Retro. Appl'ty:** Inserts the following and inserts the necessary phrase in the title:

NEW SECTION. **Section 1. {standard} Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to \_

**Effective Date:**

**Effective Dates:** At the cursor, inserts effective date or dates section and allows you to fill in the applicable date or dates. It inserts the necessary phrase in the title to show an effective date is within the bill.

**Imm. Eff. Date:** At the cursor, inserts an immediate effective date section in the bill and inserts the necessary phrase in the title.

**Repealer:** Inserts a standard repealer clause at the cursor. Automatically lists internal references. Keep entering one section at a time in numerical order. The form shows the last section you repealed. Takes the listing and puts it into the title. Check each section in the internal reference report and use *Word* to put an "x" by each cite checked. Don't mark a printout of the bill with a pen or pencil because the mark is lost at the bill's next printing and doesn't travel with the electronic version.

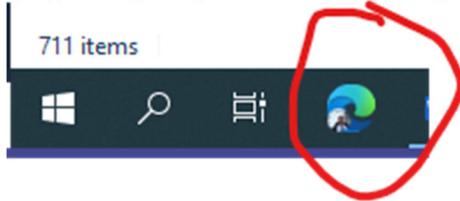
**MCA in Title (last):** LAST drafting macro. Lists sections amended in the bill into the title in the order in which they appear in the bill. The sections must be in numerical order in the bill. Put the cursor where you want the listing to appear (the first character of the sections list is a semicolon). If you want to run the macro a second time, just delete the

MCA listing in the title created by the first macro and run it again. If there is only one MCA section in the bill, you will have to correct the title language a bit.

## **Installation (Windows 7 or 10 & Word 2013/2016)**

### **1. Step 1: Copy Net Bill Drafting 13.dotm to your computer.**

- a. In your Microsoft Edge internet browser, copy the template Net-Bill-Drafting-13-16.dotm from the current Bill Drafting Page (<https://leg.mt.gov/information-legislators/agency-bill-drafting/>).



- b. To do this, open Microsoft Edge (there are issues with Google Chrome downloading this file), **right-click** on the **“Template”** hypertext link that is located near the bottom of the page under the title **"For Help Using These Templates"**.

FOR STATE AGENCY USE

**Microsoft Word Bill Drafting Macros and Templates:** The Microsoft Word templates may be used to format bills, insert standard language, and retrieve MCA sections.

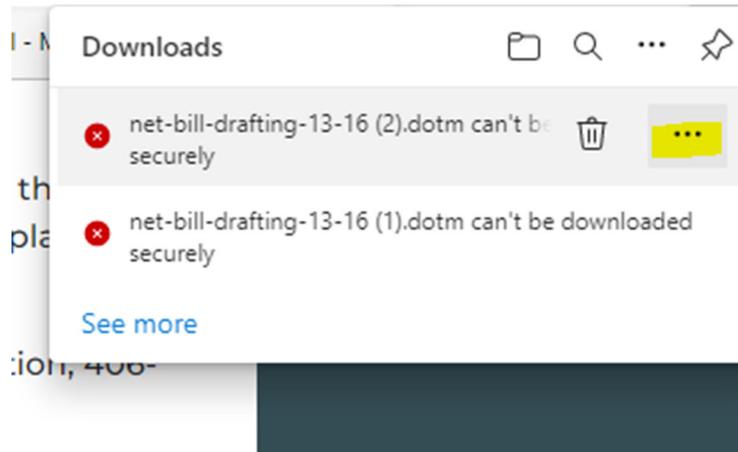
The Word templates require a connection to the Internet to retrieve Bill Sections. The Word template may be opened from the Internet or downloaded, you will save the resulting bill locally under a different name. Read the following Bill Drafting Template User Guide before installing and running the Microsoft Word Macro enabled Template.

**For Help Using These Templates:** Contact the Information Technology Services Division (ITSD), Department of Administration, 406-444-2000.

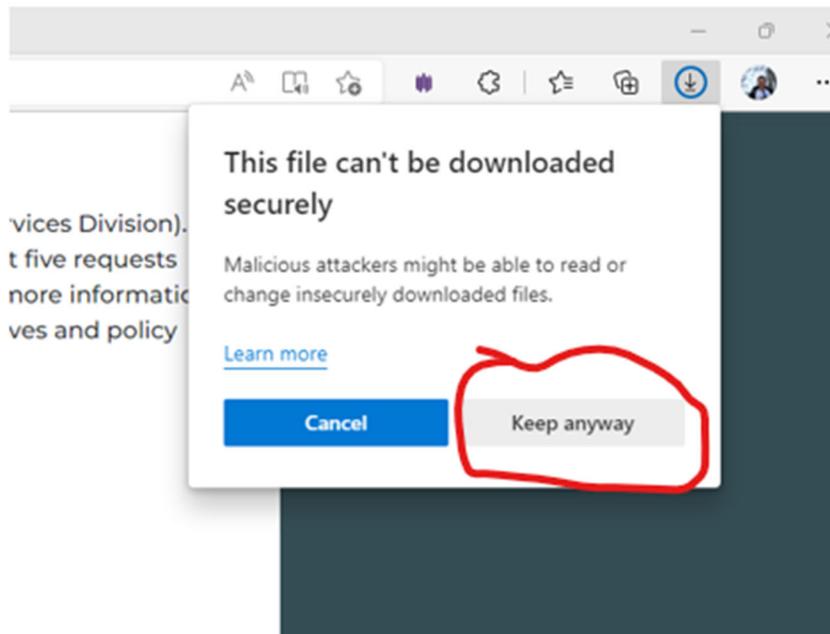
MS Word version 2013 and 2016: [Bill Drafting Template User Guide](#) **Template** (Please use Edge in downloading the Word Template, there are issues with Chrome downloading files. Thank you.)

—>>> <<<—

- c. In the drop-down menu, choose **"Save link as"**... and save it to to your local document location, my documents or a shared network drive where you keep your Word documents.
- d. If you experience a warning message in the upper right stating "net-billdrafting-13-16.dotm can't be downloaded securely", hover over the right side of the error message and three dots will appear – left-click on the three dots and left-click **"Keep"**:



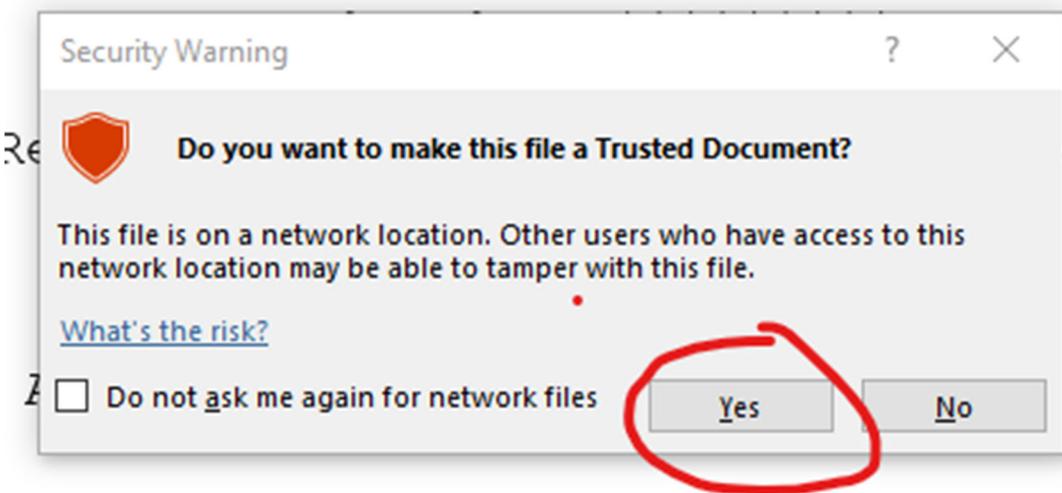
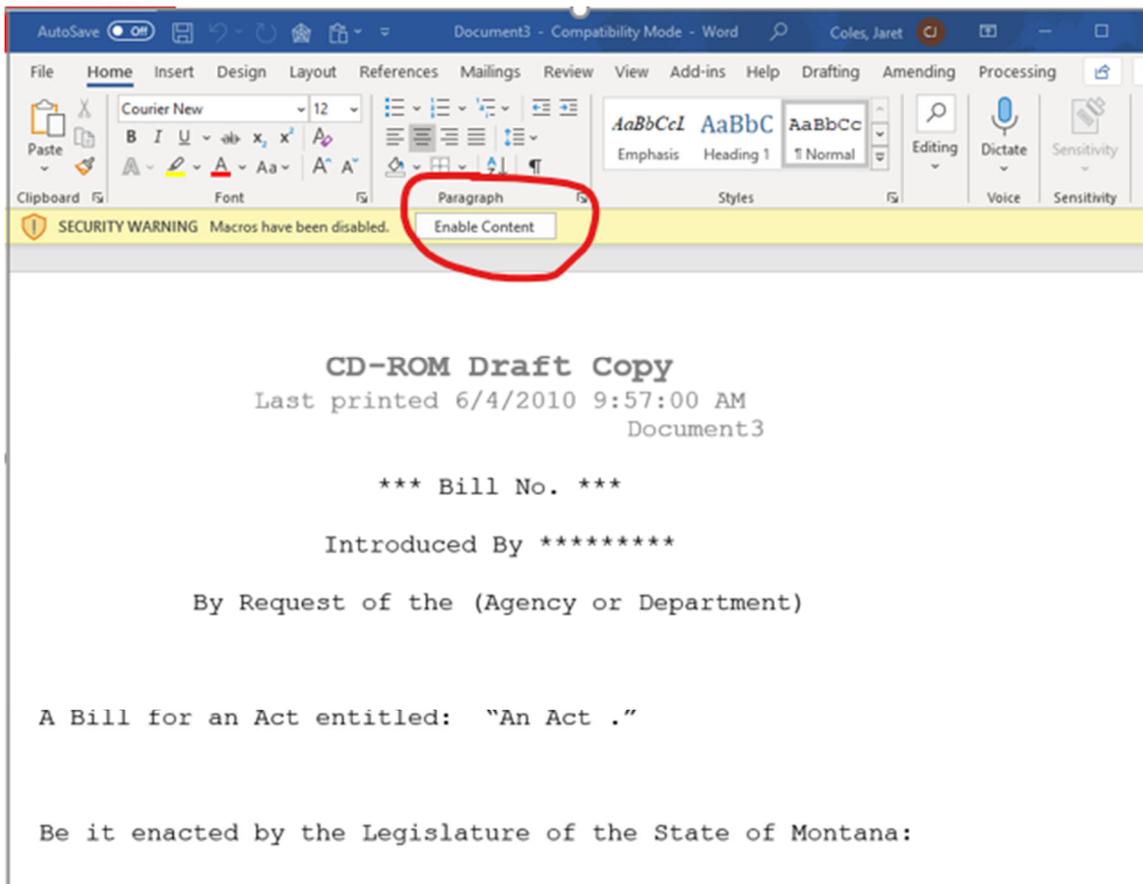
- e. If another pop-up opens that says "This file can't be downloaded securely", left-click on "Keep anyway":



2. **Step 2: Open template:**

- a. In Microsoft Word, open Net Bill Drafting-13-16.dotm from the Saved location
- b. **Note:** Based on your computer security settings you may need to enable the template by left-clicking "Enable Content" in the "SECURITY WARNING" (see example, below), it is a .dotm so if you save it becomes a docx. To not see this message the .dotm needs to be in a trusted location like My Documents or Desktop or other trusted location

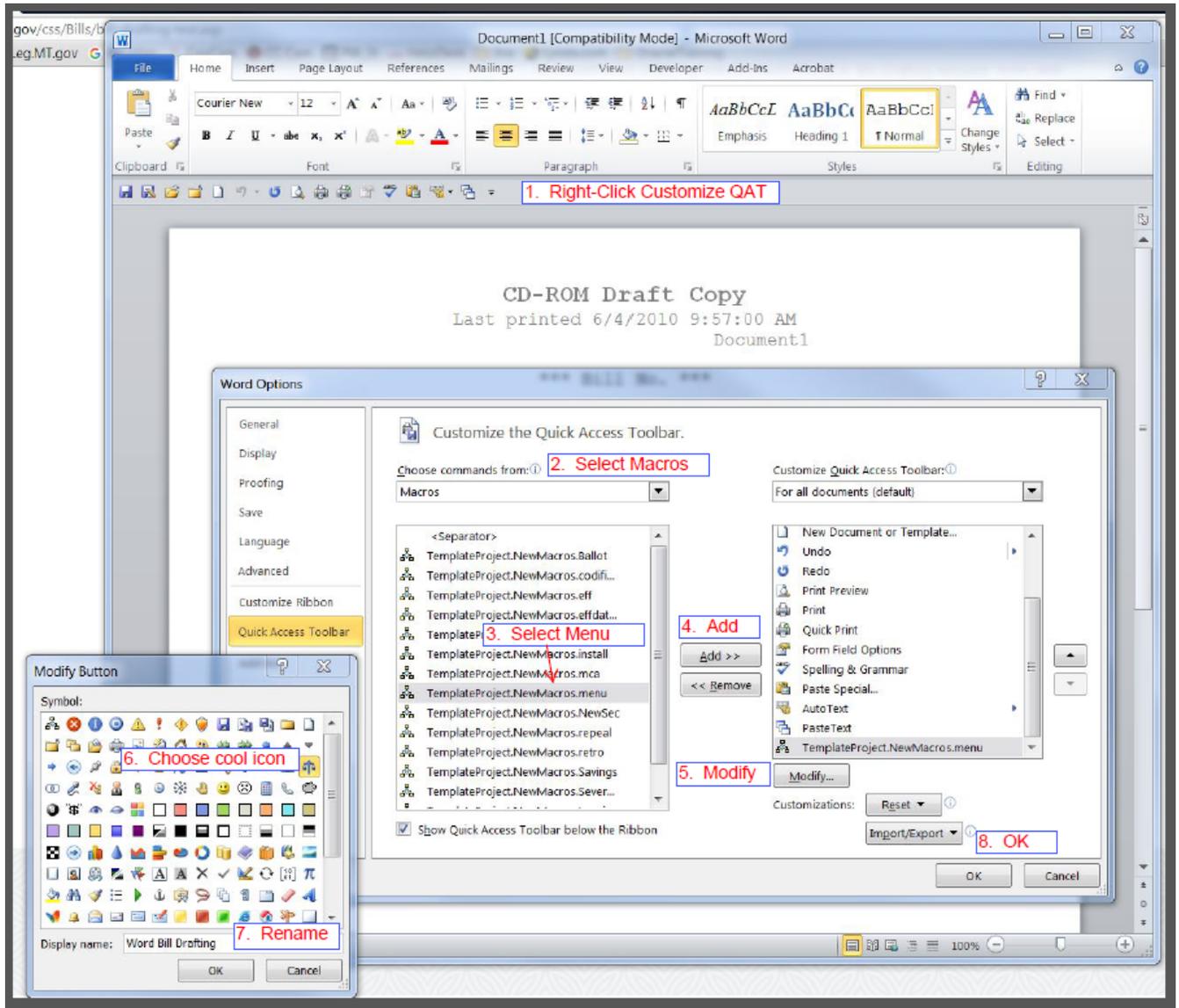
c. EXAMPLES:



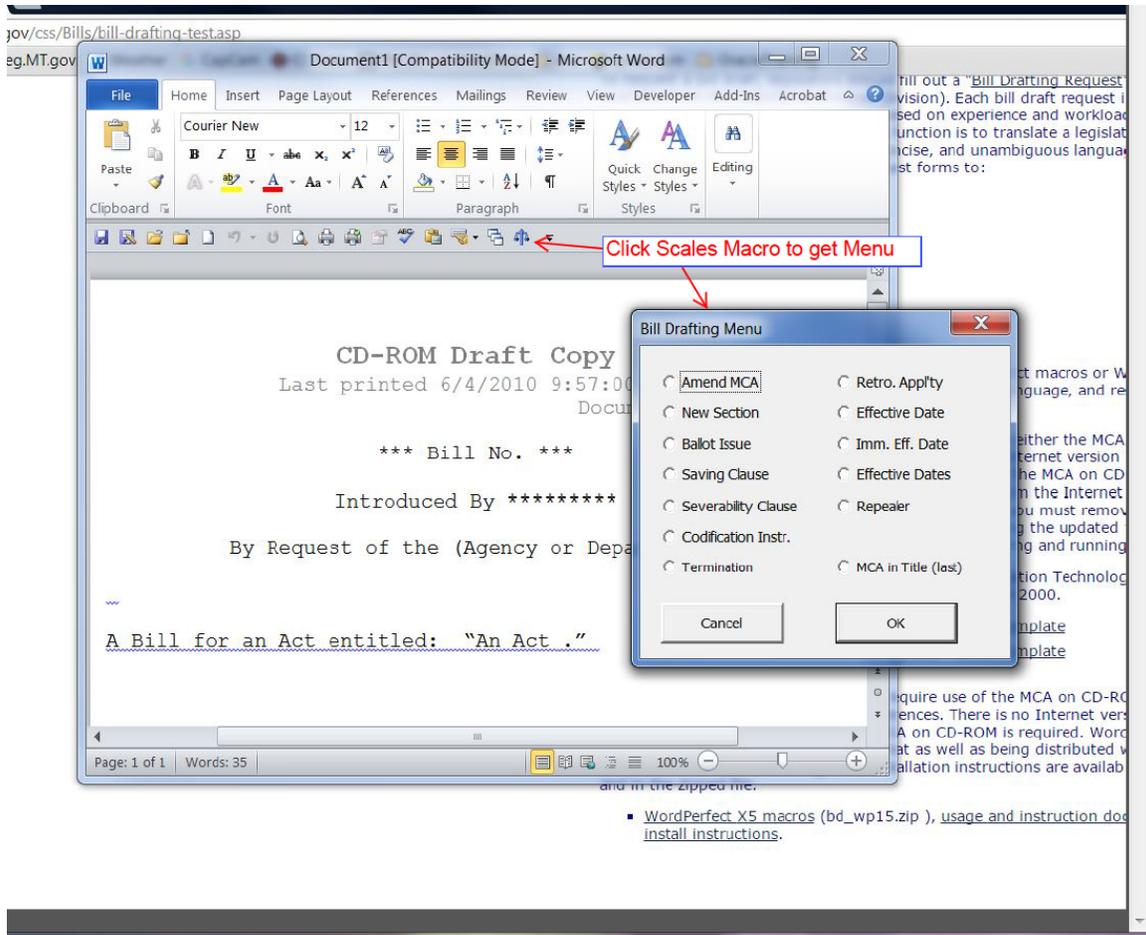
3. Step 3: Add Menu button to QAT – Quick Access Toolbar:

1. Right click on your Quick Access Tool bar and select **Customize Quick Access Toolbar**
  - a. You can run the Menu macro manually if you do not wish to customize your tool bar
2. Select **Macros** from the Choose Commands from drop down list
3. Select the embedded macro **TemplateProject.NewMacros.menu** from the list

- a. This is the main menu for the Template macros
  4. Click the Add button to add the menu macro to the QAT
  5. Click Modify before OK, it is below the Customize box
  6. Change the Icon picture to something you like, we like the Scales of Justice
- Change the name of the icon to something you like, we like Word Bill Drafting



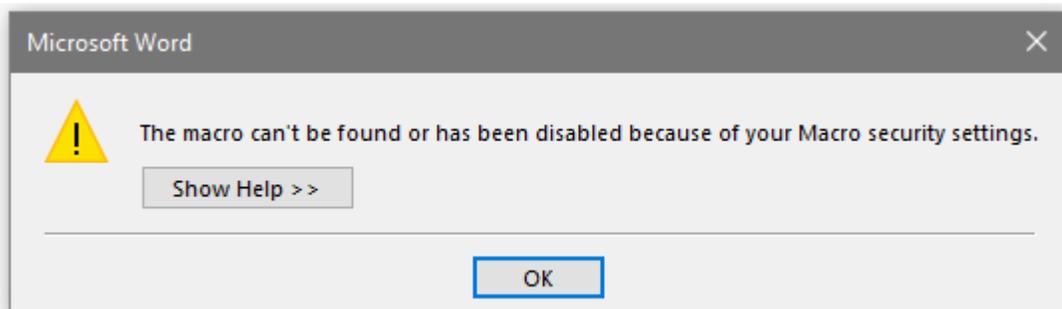
b. Results in:



## Post Installation

The bill drafting template must be loaded each time Microsoft Word is started prior to being able to work on a bill.

If you see the following error (after making the Quick Access Toolbar shortcut) the template is not loaded in Word.



Contact:  
ITSD Service Desk  
servicedesk@mt.gov  
406.444.200

## FOLIO VIEWS

The MCA on Folio is one huge file beginning with the Constitution and going through the Index. The MCA is broken down into location of data (Constitution, Title, Index) and type of data (MCA section text, case notes, etc.). A user can page up and down to see the entire database. The database contains section text and annotations merged so that the user can check for applicable annotations under each code section.

Folio provides hypertext links for all MCA section references, whether occurring in an MCA section, in an annotation element, or in the Index. Linked material is blue and underlined. A single click on the link takes you to the section. To return to where you were, simply use the **Go Back** arrow button on the toolbar at the top of the screen.

### The Screen

Folio Views provides six different ways of looking at the MCA. The screen has six tabs in the lower part of the screen which, from left to right, are:

**All** -- a busy screen with the main middle frame showing the MCA; the top frame (the Reference frame) showing the cursor location in the MCA; the Contents frame on the left; and the Hit List frame at the bottom.

**Search** -- the main middle frame shows the MCA, with the Reference frame at the top and Hit List frame at the bottom.

**Browse** -- the main middle frame shows the MCA with the Reference frame at the top and the Contents frame at the left.

**Document** -- the main frame shows the MCA with the Reference frame at the top.

**Contents** -- shows the Contents for the MCA.

**Hit List** -- lists the hits from the last search (it is blank until a search is conducted).

The size of each of the frames may be adjusted in the same way as any other Windows frame by putting the cursor on the frame divider and, when it turns into a horizontal line with up and down arrows, holding the left mouse button to enlarge or contract the size of the frame.

### Searching -- MCA Search Template

The easiest way to conduct a search of the MCA text is through the use of the **MCA Search** template found at the bottom of the drop-down **Search** menu. When the **MCA Search** template appears, by default it will search just MCA section text for the words you type in the **Search** box. Type in a word or phrase and hit the **OK** button. The controls work as follows:

**Search** -- Type in a word, section number, phrase in quotes, or other search term (note that Folio Views does not recognize special characters such as a dollar sign). Here are some simple examples:

1. **purple** will return all MCA sections that have at least one occurrence of the word purple.

2. **purple and heart, purple & heart, purple heart** will return all MCA sections with both the words purple and heart. Folio assumes that there is an "and" between words if no connector is typed in.

3. **purple or heart, purple|heart** will return all MCA sections that have either of the words purple or heart or both purple and heart. This search will return more hits than in example number 2. (The "|" symbol can be used instead of "or".)

4. **purple not heart, purple^heart** will return all MCA sections that contain purple but do not contain heart.

5. **purple xor heart, purple~heart** will return all MCA sections that contain either purple or heart but not both purple and heart.

6. **"purple heart"** in quotes returns MCA sections with the phrase "purple heart", exactly as in the quotes.

7. **"purple heart"/5** ( words in quotes followed by a slash and a number) returns MCA sections where purple is found within 5 words of heart, in the order given in the quotes.

8. **"purple heart"@5** returns unordered proximity -- purple must be within 5 words of heart, but they can be in any order.

**Limit Search to Specific MCA Element** -- Click on the appropriate "radio button" to choose the element you wish to search. To search the whole MCA database regardless of element, use either **Query** or **Advanced Query** in the **Search** drop-down menu.

**Checked Branches** -- Before you open the MCA Search template, go to the Contents tab and use your mouse to check the boxes for the parts of the MCA that you want to search. If you don't see check boxes in your Contents, open the **View** drop-down menu and select **Show Check Boxes**. Note that each plus sign in the table of contents opens up when clicked. Open a Title and see all the chapters in the Title; open a chapter to see all the parts in the chapter; open the part to see all the sections in the part; open a section to see the annotations to the section. With check boxes, you can choose as many items as you wish and you may choose the most specific level you wish. A check in front of Title 7 will cause all of Title 7 to be searched, but nothing else. Checks in front of Titles 7, 20, and 53 will cause all of those Titles to be searched. You can check just a part to limit your search to that part. The **View** drop-down menu under **Contents** allows you to remove all checks at once.

**Word** -- This is a word wheel that shows every word in the database. It is useful to see plurals and derivations of words. The words change as you type in search terms. To choose words on the word wheel, double click on them -- note that they enter the search box separated by "|" ( the "or" symbol).

**Records With Hits** -- After you run a search, you may click on **View**, then select **Records With Hits** to show only those records on your screen. To print only those sections containing hits, go to **File**, then **Print**, and then select the **All** radio button. **WARNING!** Be sure that you don't select **All** if you have not selected **Records With Hits** or the entire database will print.

## Searching -- Query

A query searches the whole database (there is no weight given to the elements or location) and gives the hits in order of relevance. Relevance means that the record with the most hits is shown first and the one with the fewest is shown last. Use the **Hit List** to view them in relevance order or just go from hit to hit in relevance order. A search by **Query** uses the same rules as for the **MCA Search**.

## Searching -- Advanced Query

**Advanced Query** provides more control over a search than does **Query**. You can use the word wheel to see variations of words, and you can use more complex commands. The search is of the whole database. The results of an **Advanced Query** appear in order of their appearance in the MCA: results in the Constitution come first, followed by Titles in numerical order, then the Index.

## Moving Through Search Results

To see your search results, hit **OK** after the **MCA Search**, **Query**, or **Advanced Query**. You then return to the view you were on when you started the search.

You are taken to the first hit, either the most relevant hit if the search was **Query** or the first in the MCA for the other searches. While in the document, you can go to the next hit by using the **Next Hit** (double arrow) button at the bottom of the screen. The cursor moves to the next hit. To go to the next record with hits -- for instance to avoid clicking through all the subsequent hits in the same section -- use **Next Partition Hit** -- the smaller (double arrow) buttons on a picture of a page to the right of the **Next Hit** buttons. You may use these buttons to go backwards through the search results as well.

# CHEAT SHEET FOR SEARCHING THE MCA

## RUNNING A BASIC SEARCH

Click on MCA icon on your desktop or otherwise access Folio  
On main Folio screen, click on **Search** on top toolbar  
Click on **MCA Search** at bottom of drop-down menu  
The **Section Text** radio button will be automatically selected  
The cursor will appear in the search window  
Type the section number or word or words that you want to find  
Click on **OK** (found under the search window)

See Appendix S of the Bill Drafting Manual for tips on how to frame your search

## HOW TO SEARCH WITHIN A PARTICULAR TITLE, CHAPTER, OR PART

Click on the **Contents** tab at the bottom of the main Folio screen  
To search within a Title, click on the box in front of that Title  
To search within a chapter, do not click on the box in front of the Title--  
instead, click on the + sign in front of the Title and then click on the  
box in front of the chapter  
To search within a part, do not click on the box in front of the chapter--  
instead, click on the + sign in front of the chapter and then click on the  
box in front of the part  
After selecting the portion of the MCA that is to be searched, click on the  
**Document** tab at the bottom of the main Folio screen to return to the  
text of the MCA, then follow the instructions for running a basic search

Note that the **Checked Branches** box at the top center of the search  
window now has a checkmark in it. DO NOT forget to go back to the  
**Contents** tab after you have run your search so that you can uncheck  
the Title, chapter, or part that you selected before you run any other  
searches

## HOW TO PRINT THE SEARCH

Click on **View** on top toolbar  
Click on **Records with Hits**  
Click on **File** on top toolbar  
Click on **Print** on drop-down menu  
Select **All** radio button  
Click on **OK** in lower right corner of print box

## Folio Views Query Syntax

For additional information on searching the MCA, see sections 4-14, 8-2, and 10-2 and Appendix R of the [Bill Drafting Manual](#).

<u>Operator or Scope</u>	<u>Example</u>
<b>And</b>	one two one & two one and two
<b>Or</b>	me   you me or you
<b>Not</b>	^him not him her ^ him
<b>Exclusive Or (Xor)</b>	apples ~ oranges apples xor oranges
<b>Phrase</b>	“to be or not” “fourscore and seven”
<b>Single Character Wildcard</b>	wom?n g??b?r
<b>Multiple Character Wildcard</b>	work* h*t*
<b>Ordered Proximity</b>	“united states of america”/10
<b>Unordered Proximity</b>	“uncle sams army”@7
<b>Record Proximity</b>	“smith jones theft deny”#5
<b>Stem (Word Form)</b>	run% great%
<b>Thesaurus (Synonym)</b>	flying\$ alterations\$
<b>Contents</b>	[Contents Old Testament,Genesis] noah and ark
<b>Partition</b>	[Partition Chapter] advanced query
<b>Rank</b>	[Rank 10] dogs chase cats
<b>Highlighters</b>	[Highlighter humor: marx   stooge]
<b>Popups and Notes</b>	[Note words to find] or [Popup my favorite feature]
<b>Groups</b>	[Group animals ] warthog lion rat
<b>Headings</b>	[Heading <level name>,<heading path>: query] [Heading Chapter: import files] [Heading Chapter,Open: import files]
<b>Levels</b>	[Level <level name>: <query> ] [Level Chapter: reconcile shadow files]

## 2023 BILL DRAFT REQUEST LIMITS & DEADLINES, INTRODUCTION DEADLINES, AND PRIORITY DRAFTING RULES

### BILL DRAFT REQUEST LIMITS\*

- June to September 15 -- Interim committees review agency bill draft requests and may authorize drafting of agency bills or request committee bills
- Until 5 p.m. December 5 -- After the general election, each legislator may request an unlimited number of bills or resolutions until 5 p.m. on December 5 (does not count against a legislator's bill limit)
- After 5 p.m. December 5 -- Each legislator is limited to a total of 7 bill/resolution requests after this time (a legislator may grant unused requests to another legislator)
- Noon January 2, 2023 -- 2023 Session begins -- Each legislator is limited to 2 bill/resolution requests after this time (2 of the 7 permitted after December 5)

### BILL DRAFT REQUEST DEADLINES

<u>Bill Type</u>	<u>Legislative Day (5:00 p.m.)</u>
General bills and resolutions	12
Revenue bills	17
Committee bills and resolutions	36
Committee revenue bills and bills proposing referenda	56
Committee bills implementing provisions of a general appropriation act	56
Interim study resolutions	60
Appropriation Bills	45
Resolutions to express confirmation 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

### BILL INTRODUCTION DEADLINES

- **5 p.m. December 15, 2022 -- PREINTRODUCTION DEADLINE** for all interim committee and agency bills, including all bills with a "By request of \_\_\_\_" line. Those not preintroduced will be **CANCELED**. (See PREINTRODUCTION on next page.)
- Bills not subject to preintroduction requirement must be introduced within 2 legislative days after delivery to the requesting legislator (day of delivery not counted). Failure to comply with the introduction deadline results in the bill draft being canceled.
- Introduction takes place in the office of either the Secretary of the Senate or Chief Clerk of the House--not LSD offices.
- There is no limit on the number of bills an individual legislator may **introduce**. The sponsor is not necessarily the same as the requestor.
- Bills containing an appropriation may be introduced **ONLY** in the House--not the

- Senate.
- A bill or resolution must be introduced at least 6 legislative days prior to the applicable transmittal deadline as provided in Joint Rule 40-200 except for:
    - (a) a session committee bill, resolution, or referenda;
    - (b) a bill repealing or directing the amendment or adoption of administrative rules;
    - (c) a joint resolution advising or requesting the repeal, amendment, or adoption of administrative rules; or
    - (d) a resolution expressing confirmation.

### **PRIORITIZING BILL DRAFTS**

- Agency bill draft requests are given PRIORITY in drafting if the draft is received by LSD by November 15--an agency draft received after November 15\* loses its priority status (it will still be drafted but without priority and must still meet the preintroduction deadline).
- Legislative drafters generally work on bill draft requests in the order that each drafter receives the requests unless a request has a priority status.
- Each legislator's first 5 bill draft requests have priority over subsequent requests--a legislator's 6th and subsequent request will be given a lower priority than the first 5 requests of other legislators.

### **PREINTRODUCTION\***

To preintroduce a bill, the LSD must receive the LSD's preintroduction authorization form, signed by a legislator, by 5 p.m. on December 15. An agency bill draft request that is not preintroduced by the deadline is, by rule, automatically canceled. The agency must either abandon the request or have a legislator request the same bill draft as a new bill draft request; however, the bill may not have an agency "By request of \_\_\_\_\_" line.

\* These restrictions do not apply to bills or resolutions proposed by the Code Commissioner, requested by standing committees, or requested on behalf of newly elected state officials during the official's FIRST year in office.

**PRESESSION AUTHORITY TO PREINTRODUCE**

**DO NOT RETURN THIS FORM EXCEPT TO INTRODUCE THIS BILL  
SIGNING THIS FORM IS THE SAME AS SIGNING THE BILL**

(Joint Rule 40-40(6))

To the Executive Director of the Montana Legislative Services Division:

**I understand that signing and returning this form has the same effect as introducing the bill during the session. This preintroduction form will authorize the assignment of a bill number and distribution of the bill prior to the convening of the legislative session.**

Please PREINTRODUCE this bill by typing my name and the names of the additional sponsors (if any) on the bill, numbering the bill, and distributing the bill prior to the convening of the legislative session.

You are hereby authorized to number and distribute LC\_\_\_\_.01 prior to the convening of the legislative session.

SPONSORED BY

\_\_\_\_\_  
CHIEF SPONSOR (SIGN)

\_\_\_\_\_  
CHIEF SPONSOR (PRINT)

\_\_\_\_\_  
(DATE)

Additional sponsors must sign and print their names here:

**DO NOT RETURN THIS FORM EXCEPT TO INTRODUCE THIS BILL.**

**TO PREINTRODUCE THIS BILL, MAIL THIS FORM, SIGNED AND DATED, TO THE EXECUTIVE DIRECTOR, LEGISLATIVE SERVICES DIVISION, PO BOX 201706, HELENA, MONTANA 59620-1706, OR FAX THE FORM TO (406) 444-3036, OR E-MAIL SCANNED FORM TO LEGBILLS@MT.GOV. A BILL NUMBER WILL BE ASSIGNED, YOUR NAME WILL BE TYPED ON THE BILL, AND THE BILL WILL BE DISTRIBUTED PRIOR TO THE CONVENING OF THE LEGISLATIVE SESSION.**

**Note: You do not need to return the bill with this form.**

## 2022 BILL DRAFTING WORKSHOP EVALUATION

How do you rate this workshop?

Excellent \_\_\_\_ Good \_\_\_\_ Average \_\_\_\_ Fair \_\_\_\_ Poor \_\_\_\_

Would you recommend this workshop to others?

Yes \_\_\_\_ No \_\_\_\_

With 5 the highest, please rate the following:

	lowest				highest
The class was well organized	1	2	3	4	5
The presentation was clear and understandable	1	2	3	4	5
The content was appropriate	1	2	3	4	5
The class was the right length	1	2	3	4	5
The visual aids were helpful	1	2	3	4	5
The handouts will be useful	1	2	3	4	5

What was the most valuable information that you learned from this workshop?

What would you change about this workshop to make it better?

Please give us any other feedback.