

From: [Emrich, Daniel](#)
To: [Everts, Todd](#)
Subject: RE: Bill draft requests for 2025 and bill drafting during interim
Date: Saturday, January 13, 2024 6:58:52 PM

Thank you this makes more sense! I would like to put in for some bill drafts, what email should I send them to?

From: Everts, Todd <Todd.Everts@legmt.gov>
Sent: Thursday, January 11, 2024 10:56 AM
To: McCracken, Pad <Pad.Mccracken@legmt.gov>; Emrich, Daniel <Daniel.Emrich@legmt.gov>
Cc: Coles, Jaret <Jaret.Coles@legmt.gov>; Johnson, Julie <Julie.Johnson@legmt.gov>; Weiss, Rachel <Rachel.Weiss@legmt.gov>; Henneman, Toni <Toni.Henneman@legmt.gov>; Howe, Jerry <Jerry.Howe@legmt.gov>
Subject: RE: Bill draft requests for 2025 and bill drafting during interim

Senator Emrich,

As a hold-over Senator, you are person entitled to serve in the 2025 legislative session and under the Joint Rules you are referred to as a “member” is entitled to request bill drafting services from the Legislative Services Division for requesting bills for the 2025 session (Joint Rule 40-40(1)).

Subject to the bill draft request provisions and limitations of Joint Rule 40-40 and 40-50, as a current hold-over Senator, you may request bill drafts starting from sine die of the 2023 session through the request deadlines for the 2025 session set out in Joint Rule 40-50. I along with the researchers and attorneys are accepting bill draft requests from hold-over senators via email post 2023 session and then I am filing those requests in my office. On July 1, 2024, our IT folks will have the 2025 session bill draft request and drafting system installed and then we will be able to officially log in those bill draft requests into the system and I will assign the bill drafter for each request. Pursuant to Joint Rule 40-40(2) the first five bill drafts that you request are considered your top five priority bill draft requests:

(2) (a) (i) Except as provided in subsections (2)(a)(ii) through (2)(a)(iv) and (2) (b), the staff of the Legislative Services Division shall work on bill draft requests in the order received.

(ii) Except as provided in subsection (2)(a)(iii), after a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member.

(iii) On or before the 5th legislative day, a legislator may reprioritize two of the legislator's top five bill draft requests. A legislator may not reprioritize a bill draft

request if the legislator has been notified that staff has initiated drafting of the request.

Subject to Joint Rule 40-40(2)(a)(iii), before the 5th legislative day, you may reprioritize two of your top five bill draft requests.

During the interims before the next legislative session Legislative Council has directed the researchers and attorneys prioritize their interim committee staffing duties and codification/annotations duties through the September immediately before the next legislative session (September 2024 for the 2025 session). Legislative Council Rules governing staff provide the following:

C-4.1. Bill drafting requests will not be accepted from individual legislators until after the legislative general election results are known, except that the requests from holdover senators and legislators running unopposed may be processed as staff time permits. (emphasis added)

The ability of your assigned bill drafter to begin drafting on your request before the last part of September 2024 will depend on whether that bill drafter has time available given the above priorities.

Having said that, you as member of the Legislature may request staff research regarding statutes that would be amended and issues to be considered in drafting legislation on a specific topic. Please note that pursuant to the Legislative Council's [Rules, Procedures and Guidelines for Interim Committees](#) (page 3, para. 5), staff research may not interfere with interim committee work and is limited to 16 hours unless approved by the presiding officer and vice-presiding officer.

I hope that clarifies Pad's response to your question. I have set out the Joint Rules regarding bill draft requests and limitations below.

Todd M. Everts
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40-40. Bill requests and introduction -- limits and procedures -- drafting priority -- agency and committee bills. (1) Prior to a regular session, a person entitled to serve in that session, referred to as a "member", or a legislative committee is entitled to request bill drafting services from the Legislative Services Division. Deadlines for requesting certain types of bills during a legislative session are contained in Joint Rule 40-50.

(a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of bills and resolutions to be prepared by the Legislative Services Division for introduction in the regular session.

(b) After 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be prepared by the Legislative Services Division. At least five of the seven bills or resolutions must be requested before the regular session convenes.

(c) After December 5, a member, in the member's discretion, may grant to any other member any of the remaining bill or resolution requests the granting member has not used. A bill requested by an individual may not be transferred to another legislator but may be introduced by another legislator. The requestor must take delivery of the bill either in person or by electronic means and sign, either in person or by electronic means, a receipt indicating delivery of the bill and may either introduce the bill or give the bill to another legislator for introduction.

(d) These limitations on bill and resolution requests do not apply to:

(i) Code Commissioner bills;

(ii) a bill or resolution requested by a standing committee; and

(iii) a bill or resolution requested by a member at the request of a newly elected state official if so designated.

(2) (a) (i) Except as provided in subsections (2)(a)(ii) through (2)(a)(iv) and (2)(b), the staff of the Legislative Services Division shall work on bill draft requests in the order received.

(ii) Except as provided in subsection (2)(a)(iii), after a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member.

(iii) On or before the 5th legislative day, a legislator may reprioritize two of the legislator's top five bill draft requests. A legislator may not reprioritize a bill draft request if the legislator has been notified that staff has initiated drafting of the request.

(iv) (A) The Speaker of the House and the President of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 38 draft requests. The minority leader of the House and the minority leader of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 20 draft requests. The staff of the Legislative Services Division shall assign a higher priority to any bill draft request when jointly directed by the President of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House.

(B) The Speaker of the House and the President of the Senate may each request 30 leadership bill drafts. The minority leader of the House and the minority leader of the Senate may each request 20 leadership bill drafts.

(b) Except for bill draft requests described in subsection (1)(d)(iii), if a draft bill has not been

received by the Legislative Services Division by November 15 for a bill by request of an agency or entity, the draft loses its priority under this rule.

(3) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills on the automated bill drafting equipment and shall post them electronically or print and deliver them to the requesting members. The original bill back must be signed to indicate review by the Legislative Services Division. The electronic version of the bill must include an indication of review by the Legislative Services Division. A bill may not be introduced unless it is so signed or indicated.

(4) (a) During a session, a bill may be introduced by endorsing it with or indicating the name of a member and presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced in the house in which the member whose name appears or is indicated first on the bill is a member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name, and the chief sponsor may not be changed. Except as provided in subsection (4)(b), in each session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in the order of their receipt.

(b) The first 15 House bills may be reserved for preintroduced bills.

(5) (a) Except as provided in subsection (5)(b)(ii), any bill requested by an interim or statutory legislative committee or on behalf of an administrative or executive agency or department through an interim or statutory committee must be so indicated by placing after the names of the sponsors the phrase "By Request of the.....(Name of committee or agency)". The phrase may not be added to an introduced bill by amendment. The phrase may not be placed on a bill unless requested by a statutory or interim committee prior to the convening of the session. Unless requested by an individual member, a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory committee. Except as provided in subsection (5)(b), an agency or committee bill request must be preintroduced or the request is canceled. Preintroduction of an agency, committee, or individual legislator's bill must occur no later than 5 p.m. on December 15th prior to the convening of a regular legislative session. Preintroduction is accomplished when the Legislative Services Division receives a signed preintroduction form.

(b) (i) The preintroduction requirement does not apply to an office held by an elected official during the official's first year in that office or to bills requested by a joint select or joint special committee appointed prior to the convening of the legislative session to address a specific issue. Bills requested under this subsection (5)(b) may include the phrase "By Request of.....(Name of official or committee)".

(ii) An official newly elected to a statewide office may request in writing that the Legislative Services Division remove the phrase "By Request of....." from bills requested by the outgoing

official of that office.

(6) Bills may be preintroduced, numbered, posted online, and reproduced prior to a legislative session by the staff of the Legislative Services Division. Actual signatures, facsimile signatures (5-2-105, MCA), or electronic signatures, along with verified email addresses, of persons entitled to serve as members in the ensuing session may be obtained on a consent form from the Legislative Services Division and the sponsor's name printed or listed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services Division to be included on the face of the printed bill or included on the electronic version of the bill following standing committee approval.

40-50. Schedules for drafting requests and bill introduction. (1) The following schedule must be followed for submission of drafting requests.

	Request Deadline
	5:00 P.M.
	Legislative Day

General Bills and Resolutions	12
Revenue Bills	17
Committee Bills and Resolutions/Leadership General Bills and Resolutions	36
Committee Revenue Bills and Bills Proposing Referenda/Leadership Revenue Bills and Bills Proposing Referenda	56
Committee Bills and Leadership Bills implementing provisions of a general appropriation act	56
Interim study resolutions	60
Appropriation Bills	45
Resolutions to express confirmation of 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

(2) (a) 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:

- (i) a session committee bill, resolution, or referenda;
 - (ii) a bill repealing or directing the amendment or adoption of administrative rules;
 - (iii) a joint resolution advising or requesting the repeal, amendment, or adoption of administrative rules; or
 - (iv) a resolution expressing confirmation.
- (b) Bills and resolutions must be introduced within 2 legislative days after delivery. Failure to comply with the introduction deadline results in the bill draft being canceled.

From: McCracken, Pad <Pad.Mccracken@legmt.gov>

Sent: Thursday, January 11, 2024 8:54 AM

To: Everts, Todd <Todd.Everts@legmt.gov>; Emrich, Daniel <Daniel.Emrich@legmt.gov>

Subject: Bill draft requests for 2025 and bill drafting during interim

Todd,

Sen. Emrich (cc'd) had some questions about putting in bill draft requests for 2025 and the timeline for beginning work on them. I told him what I know – that bill draft requests are typically assigned to drafters ballpark late Sept following the completion of interim committee work and that drafters start working their individual queues in October. He had follow-up questions about whether this timeline was outlined in rules, etc. at which point I said I would bring you into the conversation. Can you clarify the timeline and where that is laid out? Thanks!

Pad McCracken, Committee Staff
[Education Interim Committee](#)
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Emails to and from legislators involving legislative business may be subject to public disclosure under the [Right to Know](#) provision of the Montana Constitution and [Title 2, Chapter 6, part 10, MCA](#). This may include the sender, recipient, content, and attachments.