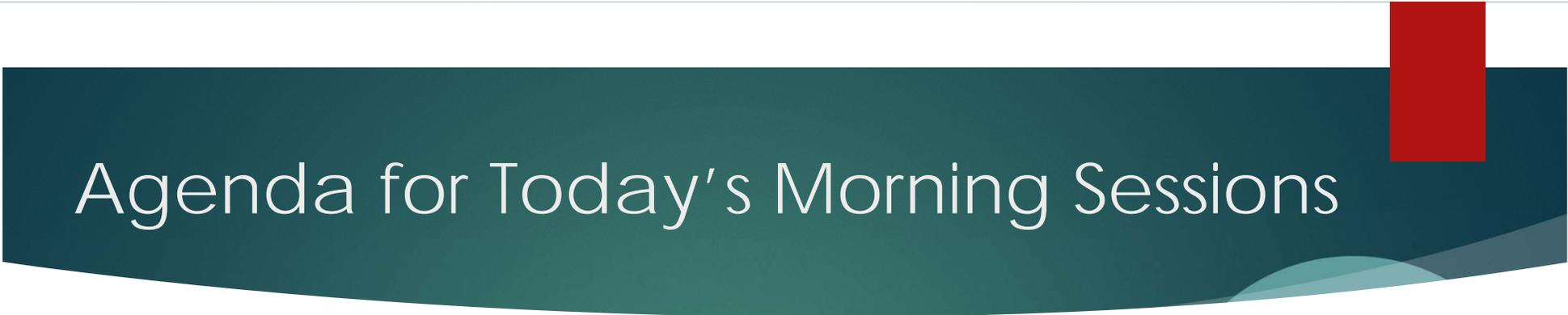




# There Oughta Be a Law... And You Get to Make It!

## Bill Drafting 101

PRESENTED BY YOUR MENTOR GROUP STAFF MEMBERS



# Agenda for Today's Morning Sessions

- ▶ Part One:  
Reading and Writing Your Bills
  
- ▶ Part Two:  
Involving the Public in the Process

# Part One: Reading and Writing Your Bills

## How to Read A Bill

### ► House Bill 355 (2017)

65th Legislature HB0355.03

1 HOUSE BILL NO. 355

2 INTRODUCED BY R. SHAW, J. WELBORN.

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING CERTAIN VEHICLES IN THE DEFINITION OF

5 "SCHOOL BUS"; CLARIFYING LICENSE REQUIREMENTS FOR DRIVERS OF CERTAIN VEHICLES; ADDING

6 A SCHOOL TRANSPORTATION REIMBURSEMENT FOR CERTAIN VEHICLES; REQUIRING A

7 COST-EFFECTIVENESS ANALYSIS BEFORE THE PURCHASE OF CERTAIN VEHICLES; AMENDING

8 SECTIONS 20-10-101, 20-10-103, AND 20-10-141, MCA; AND PROVIDING AN EFFECTIVE DATE."

9

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

11

12 **Section 1.** Section 20-10-101, MCA, is amended to read:

13 "20-10-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following

14 definitions apply:

15 (1) "Bus route" means a route approved by the board of trustees of a school district and by the county

16 transportation committee.

17 (2) "Eligible transportee" means a public school pupil who:

18 (a) is 5 years of age or older and has not reached the age of 21 on or before September 10 of the current

19 school year or who is a preschool child with a disability between the ages of 3 and 6;

20 (b) is a resident of the state of Montana;

21 (c) regardless of district and county boundaries:

22 (i) resides at least 3 miles, over the shortest practical route, from the nearest operating public elementary

23 school or public high school, whichever the case may be; or

24 (ii) has transportation identified as a related service in an individualized education program as developed

25 and implemented in accordance with the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.; and

26 (d) is considered to reside with a parent or guardian who maintains legal residence within the boundaries

27 of the district furnishing the transportation regardless of where the eligible transportee actually lives when

28 attending school.

29 (3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus

30 allocated for one passenger.

 - 1 - Authorized Print Version - HB 355

# Part One: Reading and Writing Your Bills

## How to Read A Bill

### ► House Bill 355 (2017)

65th Legislature

HB0355.01

1 department of justice's semiannual inspection of school buses and the superintendent of public instruction; and  
2 ~~(#) is owned by a district or other public agency and operated for the transportation of pupils to or from~~  
3 school or owned by a carrier under contract with a district or public agency to provide transportation of pupils to  
4 or from school;

5 (ii) is district-owned or privately owned, is designed to carry 10 or fewer passengers, has an overall safety  
6 rating of five stars from the national highway traffic safety administration at the time of purchase, and is insured  
7 in accordance with minimum coverage requirements set forth in 20-10-109.

8 (b) A school bus does not include a vehicle that is:

9 (i) privately owned and not operated for compensation under this title;

10 (ii) privately owned and operated for reimbursement under 20-10-142;

11 (iii) either district-owned or privately owned, designed to carry not more than nine passengers, and used  
12 to transport pupils to or from activity events or to transport pupils to their homes in case of illness or other  
13 emergency situations ~~and that was purchased prior to [the effective date of this act];~~ or

14 (iv) an over-the-road passenger coach used only to transport pupils to activity events.

15 (5) "Transportation" means:

16 (a) a district's conveyance of a pupil by a school bus between the pupil's legal residence or an officially  
17 designated bus stop and the school designated by the trustees for the pupil's attendance; or

18 (b) "individual transportation" by which a district is relieved of actually conveying a pupil. Individual  
19 transportation may include paying the parent or guardian for conveying the pupil, reimbursing the parent or  
20 guardian for the pupil's board and room, or providing supervised correspondence study or supervised home  
21 study.

22 (6) "Transportation service area" means the geographic area of responsibility for school bus  
23 transportation for each district that operates a school bus transportation program."

24  
25 **Section 2.** Section 20-10-141, MCA, is amended to read:

26 **"20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The mileage rates in  
27 subsection (2) for school transportation constitute the maximum reimbursement to districts for school  
28 transportation from state and county sources of transportation revenue under the provisions of 20-10-145 and  
29 20-10-146. These rates may not limit the amount that a district may budget in its transportation fund budget in  
30 order to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal

# Part One: Reading and Writing Your Bills

## How to Read A Bill

### ► House Bill 355 (2017)

65th Legislature HB0355.03

1 (2) (a) The rate for each bus mile traveled must be determined in accordance with the following  
2 schedule:  
3 ~~(i) 60 cents, a rate equal to the mileage allotment allowed by the United States Internal~~  
4 ~~REVENUE SERVICE FOR THE CURRENT YEAR 50 CENTS for a school bus as defined in 20-10-101(4)(a)(ii);~~  
5 ~~(ii) 95 cents for a school bus with a rated capacity of not more than 49 passenger seating positions;~~  
6 ~~(iii) \$1.15 for a school bus with a rated capacity of 50 to 59 passenger seating positions;~~  
7 ~~(iv) \$1.36 for a school bus with a rated capacity of 60 to 69 passenger seating positions;~~  
8 ~~(v) \$1.57 for a school bus with a rated capacity of 70 to 79 passenger seating positions; and~~  
9 ~~(vi) \$1.80 for a school bus with 80 or more passenger seating positions.~~  
10 (b) Nonbus mileage, as provided in subsection (1), must be reimbursed at a rate of 50 cents a mile.  
11 (3) The rated capacity is the number of passenger seating positions of a school bus as determined  
12 under the policy adopted by the board of public education. If modification of a school bus to accommodate  
13 pupils with disabilities reduces the rated capacity of the bus, the reimbursement to a district for pupil  
14 transportation is based on the rated capacity of the bus prior to modification.  
15 (4) The number of pupils riding the school bus may not exceed the passenger seating positions of  
16 the bus."  
17  
18 **NEW SECTION. Section 4. Cost-effectiveness analysis required before purchase of small**  
19 **school bus.** The trustees of a district may not purchase and operate a school bus as defined in  
20 20-10-101(4)(a)(ii) until the trustees have:  
21 (1) conducted an analysis of the costs associated with purchase and operation of the school bus  
22 compared to the costs associated with purchase or contract and operation of a school bus designed to carry  
23 more than 10 passengers; and  
24 (2) adopted a written finding that the purchase and operation of a school bus as defined in  
25 20-10-101(4)(a)(ii) is the most cost-effective means of transporting eligible transportees on the bus route or  
26 routes to which the school bus will be assigned.  
27  
28 **NEW SECTION. Section 5. Codification instruction.** [Section 4] is intended to be codified as an  
29 integral part of Title 20, chapter 10, part 1, and the provisions of Title 20, chapter 10, part 1, apply to [section  
30 4].

- 4 - HB 355

# Part One: Getting the Words on Paper

## How to Read A Bill

### ▶ House Bill 355 (2017)

65th Legislature HB0355.03

1 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2017.  
2 - END -

 - 5 - Authorized Print Version - HB 355



Do you have ANY questions about  
your bill draft?  
What it means?  
What it does?

**ASK YOUR DRAFTER!**

# Pop Quiz!

## Senate Bill 65 (2017)

65th Legislature

SB0065.01

1

SENATE BILL NO. 65

2

INTRODUCED BY C. WOLKEN

3

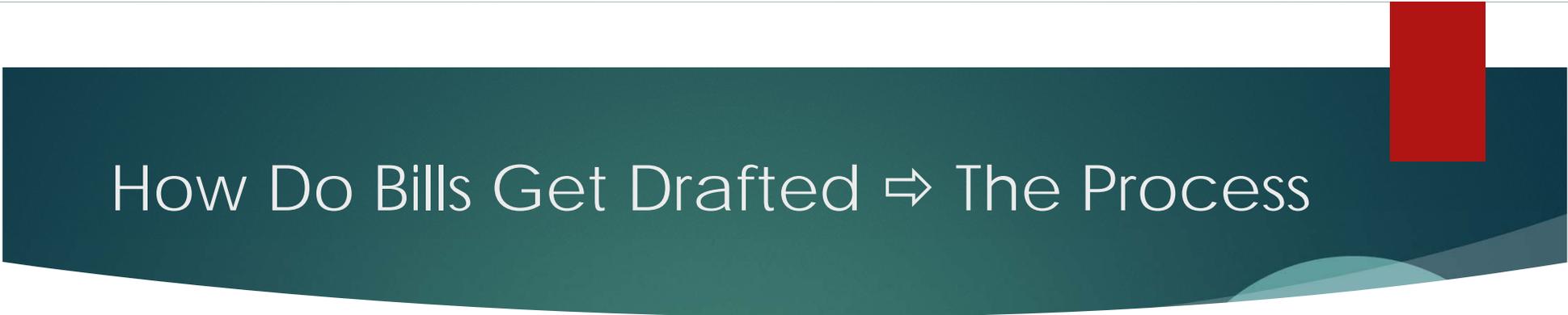
BY REQUEST OF THE COMMISSION ON SENTENCING

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING HOUSING OPTIONS

6 FOR OFFENDERS; ESTABLISHING A LEGISLATIVE POLICY REGARDING HOUSING OPTIONS FOR

7 INDIVIDUALS LEAVING THE MONTANA STATE PRISON OR OTHER DEPARTMENT OF CORRECTIONS



## How Do Bills Get Drafted ⇨ The Process

**Step one:** Request the bill draft

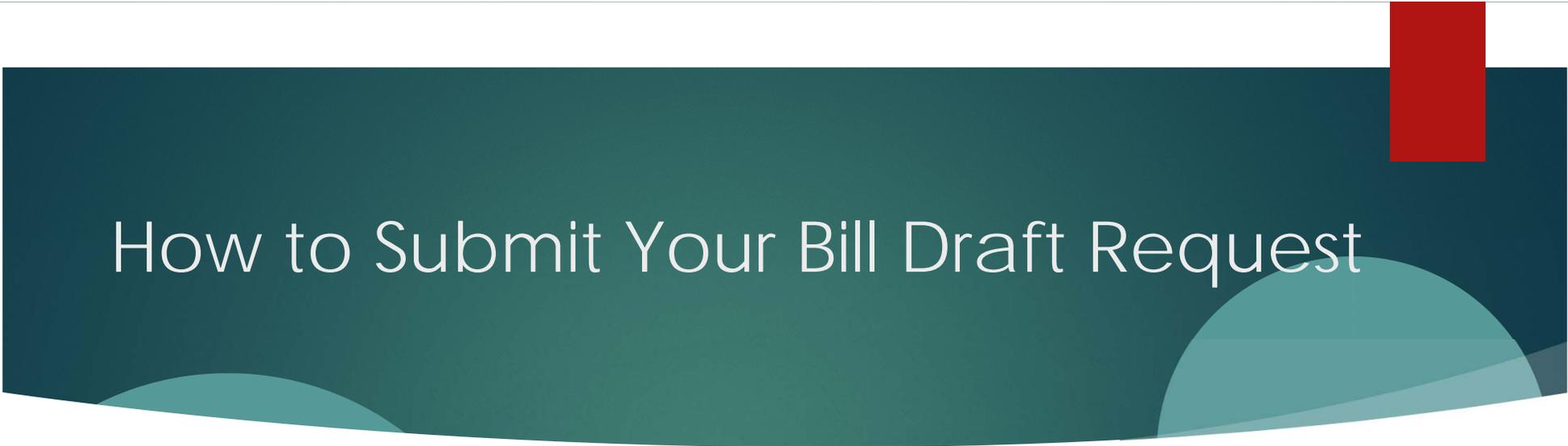
**Step two:** Articulate your idea

**Step three:** Work with your drafter

# Part One: Reading and Writing Your Bills

## Making a Bill Draft Request

- ▶ Do You Have an Idea for a Bill?
  - ▶ What is the problem you are addressing?
  - ▶ What is your solution?
  - ▶ Will you need to change existing law? Or write a new law?
  - ▶ Do you have examples of similar solutions?
  - ▶ Do you have another contact person your bill drafter can reach out to?



# How to Submit Your Bill Draft Request

- ✓ Send an Email Request
- ✓ Fill Out a Blue Bill Draft Request Form
- ✓ Ask a Legislative Services Division Staffer – by phone or in person – to Submit Your Request

# Bill Draft Priorities, Request Limits, and Deadlines

- 1<sup>st</sup> **FIVE** bill draft requests for each legislator  
= top drafting priority
- How many requests can you submit?
  - Now until 5pm on December 5: **UNLIMITED**
  - After that deadline: **SEVEN** new requests – – and only **TWO** requests of the 7 may be submitted after 12pm on January 7 – – when the session officially starts



## Information to Include With Your Bill Draft Request:

- As much information and detail about your idea as possible
- Whether you're ready to work on the draft or want the draft put on HOLD
- The best way to contact you, the requestor
- Contact information for anyone you're working with on this idea
- Whether you want to give the drafter permission to reach out to other people while working on the draft



Bill Draft Records =  
(aka the junque file)



PUBLIC RECORDS

# — BILL TITLES —

## Things to consider when making a bill draft request

- ⇒ A bill may contain only **ONE** subject.
- ⇒ The **BILL TITLE** is not the same thing as the **SHORT TITLE** in LAWS.

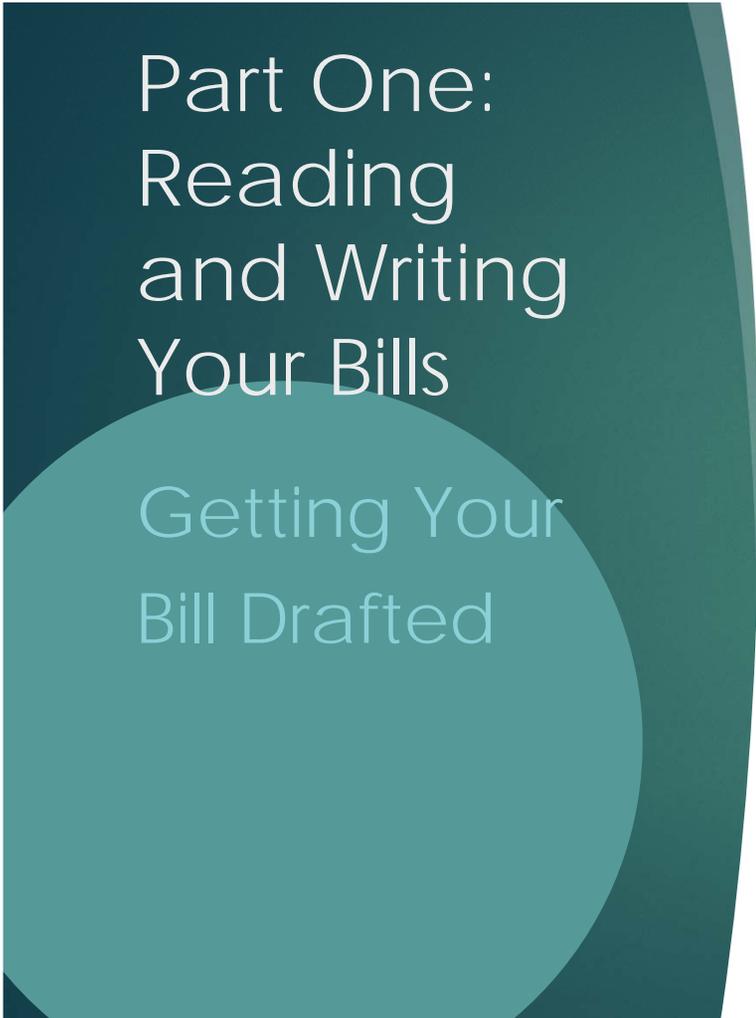
1 HOUSE BILL NO. 355  
2 INTRODUCED BY R. SHAW  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING CERTAIN VEHICLES IN THE DEFINITION OF  
5 "SCHOOL BUS"; ADDING A SCHOOL TRANSPORTATION REIMBURSEMENT FOR CERTAIN VEHICLES,  
6 AMENDING SECTIONS 20-10-101 AND 20-10-141, MCA; AND PROVIDING AN EFFECTIVE DATE."

Bill Draft Number: LC2192 Current Bill Text:    [Previous Version\(s\)](#)   
Bill Type - Number: HB 355 [Fiscal Note\(s\)](#)  
Short Title: [Revise laws related to school district transportation](#)  
Primary Sponsor: [Ray L Shaw](#) (R) HD 71  
Chapter Number: 221    
 [All Available Audio/Video for this Bill](#)

## — BILL TITLES —

### Things to consider when making a bill draft request

- ⇒ A bill's subject may be **BROAD** or **SPECIFIC**.
- ⇒ Compare and contrast the following bill draft requests:
  - ✓ "Generally revise transportation laws"
  - ✓ "Revise laws related to school district transportation"
  - ✓ "Reimburse school transportation mileage for vehicles that carry 10 or fewer passengers"



# Part One: Reading and Writing Your Bills

## Getting Your Bill Drafted

- 
- ▶ 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.

# Part One: Reading and Writing Your Bills

## Getting Your Bill Drafted

- ▶ Who is Your Bill Drafter?
  - ▶ Researcher
  - ▶ Writer
  - ▶ Impartial technician
  
- ▶ Your Bill Drafter's Strategy
  - ▶ Review and/or use bills from prior sessions
  - ▶ Pattern after existing law
  - ▶ Examine other states' laws, model acts and uniform laws
  - ▶ Consult experts in the field

## Part One: Reading and Writing Your Bills

### Getting Your Bill Drafted

## What Does the Drafting Process Look Like?

- ▶ Lots of back-and-forth communication with your drafter
  - Tell your drafter how you prefer to be contacted
  - Respond to emails or phone calls from your drafter to keep the process moving forward
  - During the session, you can stop by your drafter's office, or ask them to come find you

# Part One: Reading and Writing Your Bills

## Getting Your Bill Drafted

### What Does the Drafting Process Look Like?

- ▶ Your drafter will also consider issues like:
  - Potential conflicts with the state and federal Constitutions
  - How the draft fits within the context of existing federal and state laws
- ▶ Why is your draft so much longer than you expected?
  - Amending existing statutes
  - Fixing internal references



# When You're Ready to Proceed With Your Bill Draft: How to Review and Approve Your Bill Draft

Read your bill draft carefully!

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

# Part One: Reading and Writing Your Bills

## Making a Bill Draft Request

- ▶ Once your bill draft request is assigned to a drafter, it also gets an LC number

Unofficial Draft Copy  
As of: August 29, 2018 (11:27am) LC2127

\*\*\*\* Bill No. \*\*\*\*  
Introduced By \*\*\*\*\*  
By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act including certain vehicles in the definition of "school bus"; adding a school transportation reimbursement for certain vehicles; amending sections 20-10-101 and 20-10-141, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-10-101, MCA, is amended to read:  
"20-10-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Bus route" means a route approved by the board of trustees of a school district and by the county transportation committee.

(2) "Eligible ~~transportee~~" means a public school pupil who:

(a) is 5 years of age or older and has not reached the age of 21 on or before September 10 of the current school year or who is a preschool child with a disability between the ages of 3 and 6;

(b) is a resident of the state of Montana;

(c) regardless of district and county boundaries:

(i) resides at least 3 miles, over the shortest practical route, from the nearest operating public elementary school or

1 LC 2127



# When You're Ready to Proceed With Your Bill Draft: How to Review and Approve Your Bill Draft

Respond to the INSTRUCTION LETTER you get that asks you to provide direction:

- Proceed
- Proceed after making the enclosed changes
- Make the enclosed changes – then return to requester
- Put on hold
- Cancel

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

# The Legal Review Process

- ▶ Every bill that is drafted and ok'd to proceed by the requester goes through 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 Legislature
- ▶ 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 posted with the LRN on the LAWS website
  - ▶ A copy of the LRN will be included in the bill packet at the committee hearing

# The Legal Review Process

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

# Part One: Reading and Writing Your Bills

## Introducing Your Bill

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

- ▶ Watch for a letter notifying you that your bill draft is ready for delivery
- ▶ Only you can pick up a bill that you requested
- ▶ Before dropping off your bill, you can ask other legislators to sign on as co-sponsors, or give it to another legislator to be the sponsor
- ▶ You can pick your bill up at any time
- ▶ 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

# Part One: Reading and Writing Your Bills

## Introducing Your Bill

- ▶ Once you drop your bill off with the chief clerk or secretary of the senate, your bill will be assigned an HB or SB number
- ▶ At this point, you can move to the next phase of the bill process and start preparing for your bill's first committee hearing
- ▶ This brings us to PART 2 of your Morning Mentor Group Session – **Involving the Public in the Process**

# Part One: Reading and Writing Your Bills

## Introducing Your Bill

- ▶ QUESTIONS?
- ▶ **Bill Drafting 102:**  
a brown bag session the first week of January, before the session starts
  - ▶ Details on legal review notes
  - ▶ Other standard bill draft sections
  - ▶ If you think of more questions between now and January – send them to us!

Sue O'Connell:  
Researcher

soconnell@mt.gov  
444-3597

Laura Sankey Keip:  
Staff Attorney

lsankeykeip@mt.gov  
444-4410

Rachel Weiss:  
Researcher

rweiss@mt.gov  
444-5367