

# State Agency Bill Drafting Class



**MONTANA LEGISLATURE  
LEGISLATIVE SERVICES DIVISION**

**MAY 11, 2026**



# Introductions & Administrative Matters



- **Introductions**
  - Legislative Services Division Staff
- **Administrative Matters**
  - CLE Credits – Sign in sheet – Credits Still Pending
    - ✦ Zoom Attendees - Email Bar Number and Name to [jaret.coles@legmt.gov](mailto:jaret.coles@legmt.gov)
  - Facilities
  - Handouts: <https://www.legmt.gov/education/drafting/>
    - ✦ Bill Drafting Manual!
    - ✦ Cheat sheets & additional information
  - Evaluations

# Training Topics



- The art and science of bill drafting
- Constitutional & legal considerations
- Overview of the legal review note process
- Bill drafting & technical rules
- The anatomy of a bill
- Drafting aids & tools of the trade and the bill drafting manual
- Bill drafting macros
- Tips for searching the Montana Code Annotated on Folio
- Legislative Branch Website
- Agency bill drafting deadlines

# Session Perspectives



Terrifying Great White Shark image from [www.clker.com](http://www.clker.com). Woodridge, IL, USA  
-- Great White Shark Opening Mouth — Image by © Denis Scott/Corbis.

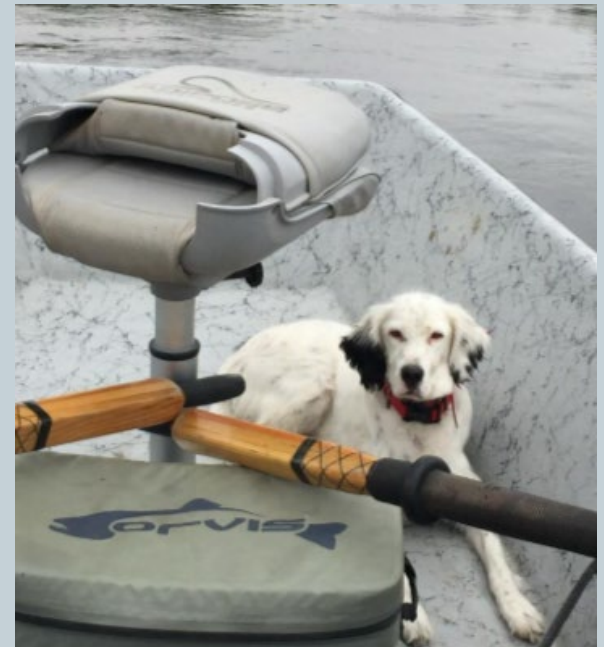
Image of beautiful golden retriever from Helen Thigpen, caretaker of the late Charlie Thigpen, whose image is priceless.

# The Art & Science of Bill Drafting



*“Poorly drafted statutes are a burden upon the entire state. Judges struggle to interpret and apply them, attorneys find it difficult to base any sure advice upon them, the citizen with an earnest desire to conform is confused. Often, lack of artful draftsmanship results in failure of the statute to achieve its desired result. At times, totally unforeseen results follow. On other occasions, defects lead directly to litigation. Failure to comply with certain constitutional requisites may produce total invalidity.”*

- LEGISLATIVE BILL DRAFTING BY ALBERT R. MENARD, JR. 26 ROCKY MT. L. REV. 368 (1954).



# The Bill Drafting Process



- Drafting Law – The Purest Form of Practicing Law (according to Todd Everts)
- Creating the Perfect Law. Is it possible?
- Research, research, research
- Review existing law
- Organization
- Role of Legislative Services Division Staff and State Agency Staff in the Bill Drafting Process

*A panda enters a cafe. He orders a sandwich, eats it, and then pulls out a squirt gun & starts shooting. When a waiter demands an explanation for the panda's unusual behavior (fortunately no one was hurt), the panda hands him a poorly punctuated wildlife guide booklet. The waiter is asked to look up the description of a panda.*

*It reads: "Panda. Large black-and-white bear-like mammal, native to China. Eats, shoots and leaves."*



# Constitutional & Legal Considerations



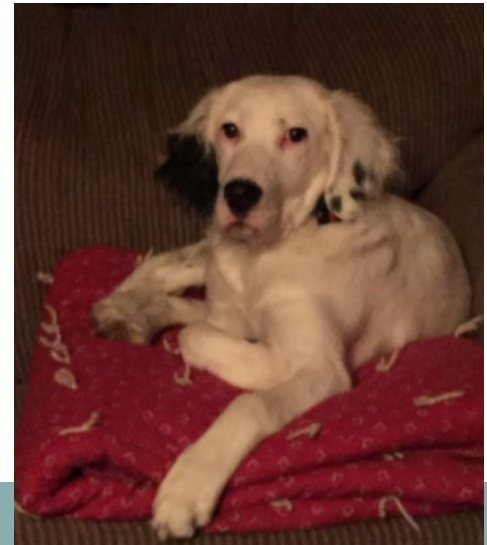
- Appendix Q – Bill Drafter Checklist
  - Conformity with state and federal constitutions considered?
- U.S. Constitution
- Federal preemption – **Watch Out!**
- Montana Constitution
  - Specific provisions related to bills
  - Other relevant provisions (everything)
- Montana statutes (Title 5, ch. 4 Bills)
- Delegation of authority and rulemaking

***“[Acts] of the State Legislatures . . . [that] interfere with, or are contrary to the laws of Congress [are to be invalidated because] [i]n every such case, the act of Congress . . . is supreme; and the law of State, though enacted in the exercise of powers not controverted, must yield to it.”***  
– Chief Justice John Marshall (1824).



# Legal Review Note Process

*“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.”*



# Legal Review Note Process

***“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).”***

***-- Language from Montana Legislative Services “legal review note”.***



*Image of cat from Jameson Walker, staffer of Business and Labor and caretaker of Mr. Worf. Jameson does not have a dog and was therefore not invited to participate in this workshop.*

# Bill Drafting & Technical Rules



- **Style & Language**

- Word choice
- Tense
- Active Voice
- Shall, Must, May, May Not
- Number
- Consistency
- Words to Avoid

- **Form**

- Capitalization
- Punctuation
- Striking and adding text
- Definitions

- **Internal References**

- Citations to other MCA sections
- Changes to subsection references caused by renumbering



# The Anatomy of Bill

## Anatomy Defined

*The art of separating the parts of an organism in order to ascertain their position, relations, structure, and function.*

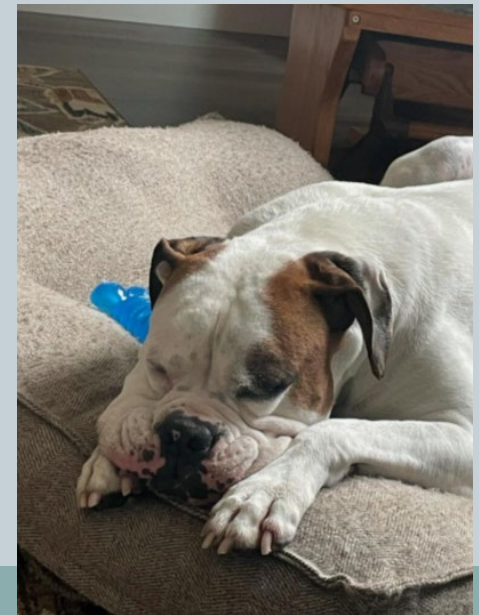
- Bill arrangement
- Mandatory v. non-mandatory provisions
- Codified v. non-codified provisions
- Effective dates
- Termination sections – ugh.
- Codification



# Tools of the Trade & Drafting Aids



- Montana Bill Drafting Manual
- Existing statutes
- Past Bills
- Bill Explorer (displays bill draft requests by subject)
- Laws from other states (use caution!)
- Uniform and model acts (Uniform Law Commission)
- Consultation with subject matter experts
- Consultation with Legislative Services Division staff



# Bill Drafting Macros



- **Overview of Word Bill Drafting Macros**
  - What are macros?
  - Where do I find the macros?
    - ✦ Stored Inside a Word Template
      - <https://www.legmt.gov/education/drafting/>
      - Instructions and Template
      - For help contact SITSD, Department of Admin, 444-2000
- **Drafting a Bill Using the Macros**
  - Open new file using the template
  - Use Add-Ins → Menu to access macros



# Searching the Montana Code Annotated



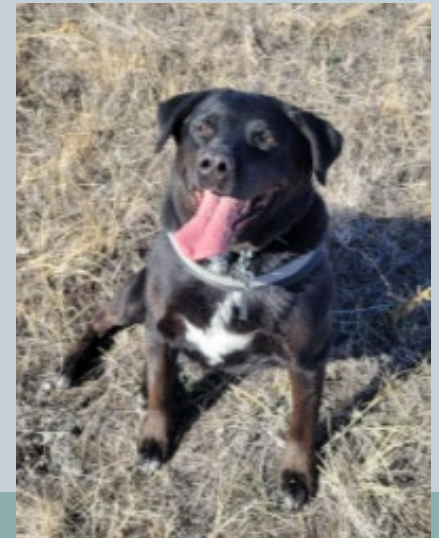
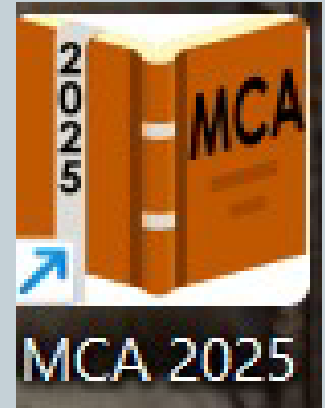
- **MCA and FolioViews**

- MCA stored like a database
- FolioViews used to view and search MCA

- ✦ Download and Install

- ✦ Upgrades include Montana Supreme Court Cases Since 2006 and Session Laws Since 2023

- **Techniques for Effective Searches**



# Legislative Branch Website



- Bill Explorer
- How can Bill Explorer be useful to me?
- Looking up Bills
- Looking up Amendments



Montana Legislative Services Bill Tracker Login

2025 (REGULAR) Session  
**BILL EXPLORER**

Search Bills... ▼ FILTERS EXPORT

Previous 1 2 3 45 Next

Bill #	LC #	Short Title	By Request Of	Status Date
HB.1	<a href="#">LC1374</a>	Feed bill to fund 69th legislative session and prepa...	Not Available	01/30/25
HB.2	<a href="#">LC0708</a>	General Appropriations Act	Office of Budget and Program Planning	06/20/25
HB.3	<a href="#">LC0707</a>	Supplemental Appropriations Bill	Office of Budget and Program Planning	04/07/25
HB.4	<a href="#">LC0709</a>	Appropriations by budget amendment	Office of Budget and Program Planning	06/20/25
HB.5	<a href="#">LC0710</a>	Long-range building appropriations	Office of Budget and Program Planning	06/20/25
HB.6	<a href="#">LC0711</a>	Renewable resource grants	Office of Budget and Program Planning	05/16/25
HB.7	<a href="#">LC0712</a>	Reclamation and development grants	Office of Budget and Program Planning	05/16/25
HB.8	<a href="#">LC0713</a>	Renewable resource bonds and loans	Office of Budget and Program Planning	05/08/25
HB.9	<a href="#">LC0714</a>	Cultural and aesthetic grants	Office of Budget and Program Planning	05/19/25
HB.10	<a href="#">LC0715</a>	Long-range information technology appropriations	Office of Budget and Program Planning	05/19/25
HB.11	<a href="#">LC0716</a>	Providing grants and appropriations through the M...	Office of Budget and Program Planning	05/19/25
HB.12	<a href="#">LC0717</a>	Montana historic preservation grants	Office of Budget and Program Planning	05/19/25
HB.13	<a href="#">LC0718</a>	State Employee Pay Plan	Office of Budget and Program Planning	03/27/25
HB.15	<a href="#">LC0720</a>	Implement K-12 Inflation	Office of Budget and Program Planning	04/01/25
HB.16	<a href="#">LC0076</a>	Revise infrastructure loan program and tax credit	Revenue Interim Committee	04/07/25
HB.17	<a href="#">LC0079</a>	Revise terms for forest lands taxation advisory co...	Revenue Interim Committee	02/27/25
HB.18	<a href="#">LC0080</a>	Deposit non-levy revenue in school equalization an...	Revenue Interim Committee	04/07/25
HB.19	<a href="#">LC0084</a>	Require public hearing before certain tax incremen...	Revenue Interim Committee	02/27/25
HB.20	<a href="#">LC0088</a>	Require voted levies to be in dollars rather than mills	Revenue Interim Committee	04/07/25

# Agency Bill Drafting Information



- Interim committee/agency bill draft requests
- Agency deadlines
- Bill request/introduction/transmittal dates



# Questions?



**THANK YOU FOR ATTENDING!**

Please complete and return the class evaluation forms.

