

Montana YMCA Youth & Government Program

Bill Drafting Guide 2006 Edition

“Democracy must be learned by each generation.”

Table of Contents

Bill Drafting Instructions	4.3
Basic Guidelines	4.3
Bill Writing Ethics	4.4
Sample Bill.....	4.5
Types of Legislation	4.6
Bills	4.6
Referenda	4.6
Constitutional Amendments.....	4.6
Legislative Referenda	4.6
Joint Resolutions.....	4.7
Simple Resolutions	4.7
Bill Drafting Style.....	4.7
General Style and Formatting.....	4.7
Header	4.7
Body.....	4.8
Usage Guidelines	4.10
Sample Resolution	4.12
Sample Constitutional Referenda	4.13

Bill Drafting Instructions

The Montana YMCA Youth and Government Program’s bill writing guidelines follow actual Montana Code Annotated (MCA) and Legislative Bill format whenever possible. Bills need to be submitted in the correct format to be included in the billbook.

Bills must be submitted digitally in Microsoft Word OR rich text format. Advisors are encouraged to email all bills together to the statewide director by the due date. Alternately, a disk on which all delegation bills are saved can be submitted with the registration packet.

Additionally, all bills must be submitted in hard copy with the registration packet.

Participants may wish to consult a local legislator to assist in preparing and presenting their bill idea.

An excellent resource with detailed guidelines and sample bills, titled Bill Drafting Manual, may be obtained by visiting <http://leg.state.mt.us> (Publications→Bill Drafting Manual.)

Advisors may add local requirements for their delegations that are stricter than these guidelines.

Basic Guidelines

Content.

1. Deal with only one subject per bill.
2. In most cases, deal with issues that are within the realm of STATE law. (If you want to change FEDERAL law, you may submit a resolution as described later in this section.) Local school policies, cultural customs, and other matters that are not legislatable are discouraged.
3. Be aware of the different types of Legislation:
 - a. Bills - alter state law. (Most of the legislation at Montana YMCA Youth Legislature will be BILLS.)
 - b. Constitutional Referenda - Change the Montana Constitution.
 - c. Legislative Referenda - Put an act of the Legislature to the voters for final passage.
 - d. Resolutions - Express the will of the Legislature, but do not carry the force of law.
4. Bills submitted are considered to be based on existing state law contained in the Montana Code Annotated, most recent edition (http://data.opi.state.mt.us/bills/mca_toc/index.htm).

Style.

1. Bills shall be created on a word processing program in an 8 ½ X 11 format.
2. Use the current year’s header exactly as requested. Lines, blank spaces and requested information are required by the staff to properly direct and track bills.
3. Except for the header, double-space the entire bill, including the title (1.5 space is acceptable). This allows amendments and comments to be noted between lines if necessary.

4. Express your intent in concise, everyday language. (See the usage suggestions at the end of this section.)
5. Be brief. Bills at Youth Legislature may not run more than two pages; one page is preferred.
6. For readability, documents should not be formatted in anything smaller than a 10 point font size. Plain, readable fonts such as Times New Roman, Courier, Helvetica or Arial are preferred.

A sample bill follows on the next page. Additional helpful material on bill writing follows the sample. Samples of other types of legislation are included in the appendix.

A template for the bill can be found on the state website under the legislative program link.

Bill Writing Ethics

1. Under NO circumstances are participants to plagiarize another person's work from any previous year. Bills are to be one's own original work. It is the advisors' responsibility to monitor this.
2. Bills "passed into law" at the previous year's session are considered "in effect" for the current year. This means that bills on the same topics are not accepted for the current year unless they differ substantially from the bills passed during the previous conference.
3. A list of all bills passed previously is online at www.mtymcayouthandgovernment.org.
4. It is understood that bill topics prohibited in a current year will probably be allowed as bill topics the following year.
5. Students are discouraged from resubmitting a bill that they wrote and unsuccessfully introduced in a previous year without at least a substantial revision. (Presumably the bill failed because of some flaw or lack of widespread support and so theoretically it would have to be revised anyway in order to increase its chance of passing.)
6. When unsure what to do, remember that the Montana YMCA Youth and Government Program is based in part on the positive values of Honesty, Caring, Respect, and Responsibility.

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

_____ Bill Number _____

Legislative Action:

H. Committee: _____

House: _____

S. Committee: _____

Senate: _____

Governor: _____

Introduced By: Jane Doe

Authored By: Jane Doe and John Jones

Delegation: Helena Family YMCA

Referred to Committee: _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO DESIGN A SAMPLE MONTANA YMCA YOUTH LEGISLATURE BILL TO SHOW PARTICIPANTS CORRECT BILL FORMAT; AMENDING SECTION 00-0-000, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

Section 1. How to write a bill. All bills need to be written in this correct format to be accepted for inclusion in the billbook.

Section 2. Bill writing guidelines. (1) The Bill Writing Guidelines of the Montana YMCA Youth and Government Program further describe the proper way to write a bill.

(2) Additional information can be obtained from the publication Bill Drafting Manual published by the Montana Legislative Services Division.

NEW SECTION. **Section 3. Adding all new material.** If a bill contains all new material, each section begins this way. Entirely new material in a separate section is not underlined.

Section 4. Amending an existing law. (1) Use this format to change an existing law.

(2) If you are deleting existing law, use ~~strikeout over the deleted material like this~~.

(3) If you are adding new material to existing law, underline added sections like this.

Section 5. Fiscal note. If the Act will cost money to carry out, state where the money to fund it will come from. The easiest (though not always best) way is to say: Monies to fund this Act shall come from the General Fund.

Section 6. Effective date. This bill will become effective upon passage.

-end-

Types of Legislation

There are three basic types of legislation you can introduce: Bills, Referenda, and Resolutions. The sample on the previous page is a bill. Samples of other types of legislation are in the appendix at the end of this manual.

Bills.

A bill may do any one or more of the following:

- Create new state law
- Amend existing state law
- Repeal existing state law
- Bills are written in the style shown in the sample on the previous page. A bill needs to:
- Deal with only ONE main idea.
- Deal with **State law**, not Federal law.

Referenda: Constitutional Amendments.

An Amendment to the Montana Constitution must be approved by the voters. The Constitution can be amended by citizen initiative or by Legislative Referendum. The title of a bill to amend the Montana Constitution reads:

A BILL FOR AN ACT ENTITLED: “AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE _____ OF THE MONTANA CONSTITUTION TO...”

The remainder of the bill uses standard bill formatting.

Note: A proposed amendment to the Montana Constitution must receive a two-thirds majority vote of the Legislature before it is taken to the people in an election, but it does not require the Governor’s signature.

Legislative Referenda.

The Legislature may order a proposed law to be voted upon by the people. The people may approve or reject (via referenda or citizen initiative) any act of the Legislature except an appropriation of money.

However, Legislative Referenda are seldom used in the Youth Legislature, as real legislators tend to put particularly controversial bills to the voters due to factors not relevant for Youth and Government participants. The title of a referendum reads:

A BILL FOR AN ACT ENTITLED: “AN ACT TO _____ (describe content of act) ; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA;”

Joint Resolutions.

Resolutions do not carry the force of law, but express the will of the Legislature. Joint Resolutions are most commonly used in the Youth Legislature for recommending changes in Federal Law. A joint resolution may be used to:

- express a desire, request, opinion, recognition, appreciation, or sympathy
- to express the will of the Legislature to the United States Congress
- to amend the Joint Rules or take care of other procedural matters
- to ratify or propose amendments to the United States Constitution
- to request changes in executive branch regulations

The title of a joint resolution reads:

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE MONTANA YMCA YOUTH LEGISLATURE TO...

Simple Resolutions.

This is a formalized motion passed by one house only. It only affects the internal affairs of the house adopting it. The title of a simple resolution reads:

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES (or SENATE) OF THE MONTANA YMCA YOUTH LEGISLATURE...

Bill Drafting Style

General Style and Formatting.

Material from the Montana Code Annotated (MCA) or Administrative Rules of Montana (ARM) should read **exactly** as the present code, including all punctuation.

- To indicate changes or amendments to current law, those provisions to be stricken are struck through out (~~like this~~) and new material underlined.
- Keep sections of the MCA you change in the same order they currently are written.
- Indent all Sections and Subsections.
- One-inch margins are recommended.
- 10- or 12-point fonts in a readable style are recommended.
- Number the lines of your bill!
- Remember to proofread!

Header.

Bills with an incorrect header will be returned, even if the rest of the content is acceptable.

- All bills must have the words **YMCA Youth Legislature of the State of Montana** at the top.
- **Bill Number:** Leave these blanks empty. They are for office use only.
- **Legislative Action:** PLEASE INCLUDE ALL 5 BLANK LINES. We need all of them to track bills. Leave these areas empty. They are for use during the session.

- **Introduced by:** Type in the name of the bill’s legislative sponsor or sponsors (No more than two sponsors, please).
 - If the bill is being introduced at the request of the Governor or another non-voting official, then add the line “at the request of...” and fill in the person’s name and office.
- **Authored by:** Put in the names of the people who actually wrote the bill, even if they aren’t legislators.
- **Delegation:** Type in your delegation name (city, school, or YMCA).
- **Referred to Committee:** Leave this blank. The state office assigns bills to committee.

Body.

A bill includes the following features:

1. (Required) **Numbered Lines:** Beginning with the title, all lines must be numbered consecutively. In Microsoft Word, number your lines by going to: File→Page Setup→Layout tab→Line Numbers button at the bottom→Add line numbering check box→Continuous numbering radio button at the bottom→click OK.
2. (Required) **Title:** A short, descriptive title begins, in all caps, with the phrase: A BILL FOR AN ACT ENTITLED: followed by the words (in quotes) “An act to...”
 - a. The title **MUST** describe the bill.
 - b. If the bill revises or amends existing law (and most do), Montana Code Annotated (MCA) or Administrative Rules of Montana (ARM) title number(s) must be included.
 - c. Be sure that numbers of all sections amended or repealed in the body of the bill appear in the title.
 - d. Cryptic titles are not recommended. A correct title would be: A BILL FOR AN ACT ENTITLED: “An Act to require that all motorists carry liability insurance, amending Section(s) xx-x-xxx and xx-x-xxx, MCA.” An inappropriate title would be: A BILL FOR AN ACT ENTITLED: “The Get the Bums Off the Road Act.”
3. (Optional) **Preamble or Statement of Intent:** This is a brief statement which, if used, comes immediately after the title and describes the purpose of the bill. While common in resolutions such as those written by participants in events like Model United Nations, **99% of legislative bills do not need one.**
 - a. A Statement of Intent is usually a short paragraph, and a preamble is usually one to four “whereas” clauses. Both should generally be avoided, or if used, kept to the barest minimum. They should only be used to indicate legislative intent and not to make an argument for the bill.
 - b. Preambles are most commonly used with resolutions. An example of correct use is later in this guide.
4. (Required) **Enactment clause:** After the title and preamble, if any, and before the body of the bill, all bills must say, in all caps, BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

5. (Required) **Body of bill:** The body is written in standard upper and lower case type.
 - a. There should be a separate section of the bill for each new section or for each existing section amended
 - b. The following items are frequently part of the body, usually in the following order. Not all items are needed for every bill. Other items may be included if needed. You may consult the Montana Legislative Services Division’s Bill Drafting Manual for more details.
 - i. **Short Title.** If you need a working title (most bills do not), make a section such as the one below:

Section 1: Short title. The short title of this act is “The Motorist’s Liability Insurance Act.”
 - ii. **Definitions** (if needed), to avoid repetition and assure clarity.
 - iii. (Required) **Basic Provisions.** The main idea or core of the proposal.

Procedural and administrative provisions: (if needed) This might include the authority that enforces the new law, the administrative department that carries out the bill’s provisions, or other regulatory details.
 - iv. **Sanctions and penalties** (if needed). This might include fines, jail sentences or other penalties.
 - v. **Repealing clause:** (not usually needed) It may be necessary to repeal one or more statutes that conflict with a new act. Each statute to be repealed must be identified by its number in the MCA. Sometimes paired with a Saving Clause to save certain acts to which you do not want the bill to apply.
6. **Fiscal Note:** (Often needed) If any provision of the bill will cost money, you need to say where the money will come from; a new tax, general fund revenue, etc.
7. **Provision for Vote:** If an act is in referendum format, a provision to put the act to a vote is needed that contains the precise ballot language, with the FOR and AGAINST statements limited to 25 words each. (See sample in the appendix)
8. (Required) **Enactment Date:** All bills’ (and some referenda) final section must be an enactment date. This is a statement that says WHEN the bill will go into effect. Usually the Youth Legislature uses “This act will become effective upon passage.” If preferred, a specific enactment date may be used: (July 1, October 1, or January 1 the following year)
9. **Extraordinary Vote Clause:** (seldom needed) If a bills needs more than a simple majority vote to pass; this clause goes at the end, after the Effective Date. Here are the main extraordinary votes that Youth Legislature participants may encounter:
 - a. Constitutional Amendments - 2/3 of all members (not 2/3 of each house).
 - b. Bills to tap the principal of the Coal Severance Tax trust fund - 3/4 of each house.
 - c. Bills to use highway funds for non-highway purposes - 3/5 of each house.
 - d. Bills making a public entity immune from lawsuits - 2/3 of each house.
10. (Required) Put **-END-** at the end of the bill. Because bills are so similar in appearance, it is a courtesy to clarify when the bill is finished, especially for multi-page bills.

Usage Guidelines

Bills are not works of literary creativity; they need to be very straightforward and observe the “Three C’s:” Clear, Concise, and Consistent.

- **Clear:** Other people need to understand what your bill is going to do just by reading it, without a verbal explanation.
- **Concise:** People do not like to read long, wordy bills.
- **Consistent:** Bills need to make sense. Be sure one part of your bill doesn’t contradict another part.

If you aren’t sure how to word something, the following guidelines and examples may help. For more details, and extensive examples, consult the most current version of the Montana Legislative Services Division’s Bill Drafting Manual.

1. Use the present tense and active voice whenever you can.

Examples: “is,” not “will be” “shall appoint” not “shall be appointed.”
“A person who violates this act is guilty of a misdemeanor” not “A person who violates this act shall be guilty”

Use simple language. Don’t use a long word if a short word will do; don’t use two words if one will do; avoid old-fashioned or flowery words.

Examples: “end,” not “terminate.” “residence,” not “place of residence”
“immediately,” not “forthwith.”

2. Use the singular instead of the plural when possible.

Example: “A defendant,” not “defendants.”

3. Use the article “a” or “an” for more precise writing.

Example: “A person who” not “any person who”

4. Use gender neutral language when referring to a person affected by a statute.

Examples: member, person, individual, applicant, etc. Rather than he, she, he or she, his or her, etc.

Gender neutral language in bills is easiest to do if you avoid using pronouns at all.

Example: “A board member is to receive compensation for each meeting attended.”
not “A board member is to receive compensation for each meeting he attends.”

Another way to be gender neutral is to repeat the noun instead of using a pronoun. It may sound awkward, but it works, and can avoid ambiguity.

Example: “If the director does not approve the plan, the director must state the reason in writing.” Not “If the director does not approve the plan, she must state the reason in writing.”

5. **Use the word “shall” when you are imposing a duty or indicating that an action is mandatory.** (Grammatically, if people are the subjects who act)
Examples: “The Legislature shall meet” or “The person shall sign the application form”
6. **Use “must” when referring to a thing instead of a person, or when a person is the object of the action and not the actual subject that acts.** (Note: animals are things)
Examples: “Dogs must be licensed” “The person’s name must be on the application.”
“The candidate must be a resident.”
7. **Use “may” for something optional or when a right, privilege, or power is conferred.**
Example: “The applicant may review the application.”
8. **Use “may not” to express a prohibition. Don’t use “shall not,” “must not,” or double negatives such as “Can’t not...”**
Example: “An Applicant may not submit more than one application.”
9. **Capitalize according to standard usage.**
10. **Use correct punctuation.**
11. **Try to avoid abbreviations. If abbreviations are used, write the full term out the first time it is used, with the abbreviation shown in parentheses.**
Example: “Cardiopulmonary Resuscitation (CPR).”

These guidelines are adapted from Bill Drafting Manual, 1996 edition, Montana Legislative Council.

SAMPLE RESOLUTION

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

Resolution Number _____	Legislative Action:
	House Committee: _____
Introduced By: Jerry Isaacson	House: _____
Authored By: Jerry Isaacson	Senate Committee: _____
	Senate: _____
Delegation: Butte High School	Governor: _____

Referred to Committee: _____

A RESOLUTION ENTITLED: "A JOINT RESOLUTION OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE MONTANA YMCA YOUTH LEGISLATURE CALLING FOR THE RATIFICATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS BY THE U.S. SENATE"

WHEREAS the Universal Declaration of Human Rights was ratified by the General Assembly of the United Nations in 1948, and

WHEREAS though fifty years have passed, the United States Senate has failed to ratify the Universal Declaration of Human Rights, and

WHEREAS the United States does not have a well-defined policy on human rights, and

WHEREAS all people are entitled to the basic human rights outlined in the Universal Declaration of Human Rights;

BE IT RESOLVED BY THE MONTANA YMCA YOUTH LEGISLATURE:

(1) This legislative body does hereby urge the Senate of the United States of America to revive the Universal Declaration of Human Rights and pass it, so as to tell the world that our country is committed to equality, justice, and human rights.

(2) Upon passage, this resolution shall be forwarded to the United States Senate.

-END-

This bill is adapted from an actual bill written and submitted by Jerry Isaacson, passed by the 1997 Montana YMCA Youth Legislature, edited for use in this manual.

SAMPLE CONSTITUTIONAL REFERENDUM

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

Referendum Number _____	Legislative Action:
	House Committee: _____
Introduced By: Jerry Isaacson	House: _____
Authored By: Jerry Isaacson	Senate Committee: _____
	Senate: _____
Delegation: Butte YMCA	Governor: _____

Referred to Committee: _____

A BILL FOR AN ACT ENTITLED: “AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II, SECTION 4, OF THE MONTANA CONSTITUTION TO END PREFERENTIAL TREATMENT BY PUBLIC ENTITIES ON THE BASIS OF RACE, ETHNICITY, NATIONAL ORIGIN OR GENDER IN EMPLOYMENT, EDUCATION OR CONTRACTING.”

BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

Section 1. Article II, Section 4, of the Montana Constitution is amended to read: “Section 4. Individual dignity. (1) The dignity of the human being is inviolable...”

NEW SECTION Section 2. Article II, Section 4, of the Montana Constitution is amended by adding a new subsection 2 that reads:

(2) (a) Neither the state nor a county, city, town, school district, college, university or other governmental entity shall grant preferential treatment to an individual or group on the basis of race, ethnicity, national origin or gender in employment, education or contracting.

(b) subsection (a) above does not prohibit qualifications based on gender that are reasonably necessary to carry out the position or contract.

NEW SECTION Section 3. Two-thirds vote required. Article XIV, section 8 requires a two-thirds vote of all members of the legislature for passage.

NEW SECTION Section 4. Submission to the electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November XXXX by printing on the ballot the full title of this act and the following:

[] FOR prohibiting state and local government from giving preferential treatment in employment, education and contracting based on race, ethnicity, national origin or gender.

[] AGAINST prohibiting state and local government from giving preferential treatment in employment, education and contracting based on race, ethnicity, national origin or gender.

-END-

This bill is adapted from an actual bill written and submitted for the 1998 Montana YMCA Youth Legislature. This referendum was awarded Gold Medal Bill Status for quality of design, and format and style. It was edited for use in this manual.