

# Montana YMCA Youth & Government Program

## *Bill Drafting Guide* 2010 Edition

*“Democracy must be learned by each generation.”*

***Table of Contents***

Bill Drafting Instructions .....4.3  
Types of Legislation ..... 4.4  
    Bills.....4.4  
    Referenda .....4.4  
        Constitutional Amendments..... 4.4  
        Referenda .....4.4  
        Joint Resolutions.....4.4  
        Simple Resolutions .....4.4  
Formatting Guidelines .....4.5  
    Header .....4.5  
    Body.....4.5  
Guidelines for Bills .....4.7  
Bill Writing Ethics .....4.8  
Grammar Suggestions .....4.9  
Sample Bill.....4.10  
Sample Resolution .....4.11  
Sample Constitutional Referenda .....4.12

## Bill Drafting Instructions

The first step in writing a bill is to decide what issues you are most interested and their relationship to Montana law. After deciding what area of the law you might propose to change, you will consult the Montana Codes Annotated (MCA, available online at [http://data.opi.mt.gov/bills/MCA\\_toc/index.htm](http://data.opi.mt.gov/bills/MCA_toc/index.htm)) to check the current status of existing state laws. You will likely discover that Montana already has a law covering your issue, in which case your bill would amend existing law. If there is no existing law, you will be able to figure out the section of the MCA in which your new law belongs.

The next step all students *must* follow is to identify sections of the MCA to be amended and copy them, as well as the proposed amendments, into the bill. Only by checking the existing sections will students really know what changes need to be made. If no current section exists, it is still necessary for the students to identify the chapter and section of the MCA that would be appropriate for their bill (subsections not necessary) and designate the new portions of Montana law as “NEW SECTION”. Identifying the chapter and section will provide the necessary context for the new law and its relation to current Montana code can be considered.

We strongly encourage students consult a local legislator to assist in presenting the bill idea in the correct format and language. There is a required form for all YMCA Youth Legislature bills to follow which is a modified version used by the “real” legislature. You should cultivate a relationship with your local Senator or Representative. Not only can they give you valuable advice about developing bills, you may want to ask them about becoming a page for the next legislative session.

In addition to bills, students may submit resolutions, referenda, and constitutional amendments for the consideration of the YMCA Youth Legislature. Resolutions do not carry the weight of law, but rather express the sentiment of a legislative body, while a referendum refers a question to the vote of the people and a constitutional amendment proposes to change the Constitution of the State of Montana. Guidelines for submitting these types of legislation are included in this manual. Since these unique types of legislation are usually submitted by experienced students, you are encouraged to do so only in addition to, not instead of a regular bill.

## Types of Legislation

Most of the legislation at Montana YMCA Youth Legislature will be **BILLS**. There are a few other forms of legislation that may be introduced, and they are also described below. **Please Note:** Constitutional amendments and referenda follow the same guidelines as bills. Constitutional amendments should refer to the section of the Montana Constitution to be amended and referenda should refer to the appropriate portion of the MCA.

You will find sample bills and resolutions at the end of this section.

1. **Bills.** A bill may do any one or more of the following: create new law, amend existing law, or repeal existing law.
2. **Constitutional amendments.** All Constitutional Amendments, after passage by the legislature must go to a vote of the people. These must be written in the form of a resolution and include the EXACT wording as it will appear on the ballot. These will be written with the following style of title: A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT 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.
3. **Referenda.** The people may approve or reject any act of the Legislature except an appropriation of money. The Legislature may order a proposed law to be voted upon by the people. The following style of title is used for a referendum bill: 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; ....
4. **Simple Resolutions.** This is a formalized motion passed by one house only. It may be used to amend the rules of one house or to provide for the internal affairs of the house adopting it. A simple resolution does not require three readings or a roll call vote as does a bill or joint resolution. The title of a simple resolution will read: A RESOLUTION OF THE HOUSE OF REPRESENTATIVES (or SENATE) OF THE MONTANA YMCA YOUTH LEGISLATURE THAT...
5. **Joint Resolutions.** A joint resolution may be used to express a desire, an opinion, sympathy, or a request of the Legislature; to express the will of the Legislature to the United States Congress; to amend the Joint Rules; to ratify or propose amendments to the United States Constitution; to direct changes to, repeal, or direct adoption of a rule in the Montana Administration Code. The title of a joint resolution will read: A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE MONTANA YMCA YOUTH LEGISLATURE TO...

## Formatting Guidelines

### Header:

Advisors will be provided with an electronic template of the current bill (or download it from the YIG website) with correct header that should be used by all students. Bills with an incorrect header will be returned. Students *must* use the newest form available!

1. All bills must have the words "YMCA Youth Legislature of the State of Montana" at the top.
2. Bill Number: Leave these blanks empty. They are for office use only.
3. 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.
4. Introduced by: Type in the name of the bill's legislative sponsor or sponsors (No more than two sponsors, please).
5. Authored by: Put in the names of the people who actually wrote the bill, even if they aren't legislators.
6. 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.
7. Delegation: Type in your delegation name (City, school, YMCA, whatever).
8. Referred to Committee: Leave this blank. The state office assigns bills to committee.

### Body of the Bill:

1. Beginning with the title, all lines must be numbered consecutively. Some word processing programs have a mode that will automatically do this for you. Otherwise, key the entire bill first, make all necessary revisions, and only number the lines at the very end; it's difficult to renumber lines every time you make a major change.
2. **Title:** A short, descriptive title begins with the opening phrase, "A BILL FOR AN ACT ENTITLED:" (All caps, not in quotes), followed by "An act to..."
3. Title is enclosed by quotation marks, and MUST describe the bill. 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. Make sure that numbers of all sections amended or repealed in the body of the bill appear in the title.
4. 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."
5. An incorrect title would be: A BILL FOR AN ACT ENTITLED: "The get the bums off the road act."
6. **Enactment clause:** After the title and before the body of the bill, all bills **must** say, in all caps, BE IT ENACTED BY THE (year) MONTANA YMCA YOUTH LEGISLATURE:
7. The **body** of the bill is written in standard upper and lower case type. There should be a separate Arabic-numbered section of the bill for each new section or for each existing section you wish to amend. The following items are frequently part of the body:

- a. **Short Title:** If you do have a working title, other than the official title of the bill, make a section titled "Short Title." Most people don't need to do this, but here is an example of how one reads: Section 1: Short title. The short title of this act is "The Motorist's Liability Insurance Act."
  - b. **Definitions,** if any are needed to avoid repetition and assure clarity (not required).
  - c. **Procedural and administrative provision.** This might include funding mechanism, administrative department, and other necessary provisions.
  - d. **Sanctions and penalties,** if applicable.
  - e. **Repealing Clause:** It may be necessary to repeal one or more statutes that conflict with a new act. Each statute to be repealed must be identified.
  - f. **Saving Clauses (not required):** To save certain acts to which you do not want the bill to specifically apply. It restricts general operation of the statute - often used with a repealing clause.
  - g. **Fiscal note:** Though not always needed, a bill that requires an appropriation of money should indicate where that money will come from. A single sentence indicating that funding for the Act will come from the General Fund is the simplest way to do this, unless another method is more appropriate. Be prepared to explain why money from the General Fund should go to this new law or why the alternative source is appropriate.
  - h. **Enactment Date:** All bills' 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 there are special circumstances, a different enactment date may be used—July 1, October 1, January 1 of the following year, etc.
8. Material from MCA or ARM should read **exactly** as the present code (including all punctuation), with matter to be stricken ~~**dashed-out**~~ and new material **underlined**. If a statute is being amended, cite the number or the statute or rule again in the relevant section and proofread the bill against the current version in MCA or ARM. In order to add the ~~**dashed-out**~~ and **underlined** font features highlight the desired words and right-click or choose Font... from your word processor's pull-down menu.
  9. Put **--END--** centered at the bottom of your bill. Because bills are so similar in appearance, it is a courtesy to clarify when the bill is finished, especially for multi-page bills.

## Guidelines for Bills

### Content

1. A bill should address only a single topic.
2. No explanatory statements are appropriate in the body of the bill – only the new text of Montana law. Anything that comes after “BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:” should contain only the exact words from the new or amended sections of the Montana Code Annotated (MCA).
3. Opinions or explanations about the new law should be saved for the authorship speech and debate of the bill. The submitted bill should contain only the new and amended portions of Montana law. Any bill that is symbolic in nature or pertaining only to the inner-workings of a legislative chamber should be submitted as a resolution, not a bill.
4. Submit the bill electronically (.doc format preferred) to your Advisor so the bills can be sent to the State Director for review. The bills should be formatted to fit on 8-1/2 x 11 standard white papers. Printed bills will not be accepted.
5. Use the current year's header (see page 4.13) exactly as requested. Lines, blank spaces and requested information are required by the Youth Legislative staff to properly direct and track bills.
6. Except for the Header, double space the entire bill, including the title. (1 1/2 space is acceptable). This allows Youth Legislators to note amendments and comments between lines if necessary.
7. Express your intent in clear, concise everyday language. Legislation should be direct and avoids vague or flowery language. See the grammar suggestions on page 4.12.
8. Write as concisely as possible. Because of the short session and cost of printing, bills for the Youth Legislature may not run more than two pages, double-spaced (1 1/2 space is acceptable). One page is preferred. For readability, documents should not be written in 10 or 12 point Times New Roman, Arial or Times font.
9. Indent all Sections and Subsections – follow the Sample Bill.
10. Material to be stricken from present law is dashed out using hyphens or the strikeout feature on a word processor. Material to be added to present law is underlined. Most word processing programs will perform strikeout and underline functions.
11. WHEREAS clauses are generally appropriate for resolutions, not bills. A resolution may contain explanatory clauses laying the groundwork for the text of the resolution. Bills, however, are very technical documents referring directly to changing the MCA.

## 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](http://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.

## Grammar Suggestions

1. Use the present tense.
2. Use simple language. Don't use two words if one will do; don't use a long word if a short word will do.
3. Use the active voice, not passive (example: "shall appoint" NOT "shall be appointed").
4. Use the singular instead of the plural when possible.
5. Use the article "a" or "an" for more precise writing. For example, "A person who" is better than "any person", "each person", or "all persons"
6. Use gender neutral language when referring to a person affected by a statute. Use words like "member," "person," "individual," "applicant," etc.
7. The word "shall" should not be used to state a legal result or fact. For example, use "A person who violates this is guilty of a misdemeanor," NOT "A person who violates this act shall be guilty"
8. However, use the word "shall" when you are imposing a duty or indicating that an action is mandatory. Use "must" when referring to a thing instead of a person, or when referring to something a person must be or must have.
9. Use "may" for something optional or when a right, privilege or power is conferred.
10. Say "may not" to express a prohibition. Avoid "shall not" or "must not," as well as double negatives such as "Can't not choose to..."
11. Capitalize as little as possible and according to standard usage.
12. Use correct punctuation to support your idea and avoid ambiguity.
13. 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. For example: "Cardiopulmonary Resuscitation (CPR)."
14. If you can't avoid provisos, introduce an exception or limitation with "except that", "but", or "however", or simply start a new sentence.
15. If the circumstances in which the rule is to apply can be stated briefly and simply, they should precede the rule itself.

A direct statement should include all persons and things to be covered by the rule; if there is a simple exception to the rule, place the exception at the end of the rule.

**SAMPLE BILL**

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

\*\*\*\*\*

\_\_\_\_\_ Bill Number \_\_\_\_\_

Legislative Action:

H. Committee: \_\_\_\_\_

Introduced By: Jane Doe

House: \_\_\_\_\_

S. Committee: \_\_\_\_\_

Authored By: Jane Doe and John Jones

Senate: \_\_\_\_\_

Delegation: Helena Family YMCA

Governor: \_\_\_\_\_

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-

**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-

**SAMPLE CONSTITUTIONAL REFERENDUM**

**YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA**

\*\*\*\*\*

Referendum Number \_\_\_\_\_

Legislative Action:

House Committee: \_\_\_\_\_

Introduced By: Jane Doe

House: \_\_\_\_\_

Authored By: Jane Doe and Joan Johns

Senate Committee: \_\_\_\_\_

Senate: \_\_\_\_\_

Delegation: Red Lodge 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.

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

\*\*\*\*\*

\_\_\_\_\_ Bill Number \_\_\_\_\_

Legislative Action:

H. Committee: \_\_\_\_\_

House: \_\_\_\_\_

S. Committee: \_\_\_\_\_

Senate: \_\_\_\_\_

Governor: \_\_\_\_\_

Introduced By:

Authored By: Jane Doe and John Jones

Delegation: Helena Family YMCA

Referred to Committee: \_\_\_\_\_

\*\*\*\*\*

A BILL FOR AN ACT ENTITLED: " "

BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

**Section 1.**